

A DISCUSSION OF THE RULES OF
THE SHARIAH PERTAINING TO THE

Sighting of the Halal

BY
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SIGHTING THE HILAAL

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SIGHTING THE HILAAL

Piping their monotonous anti-Sunnah theme, the juhala (ignoramuses) annually initiate their moon controversies. Having nothing better to do, these self-appointed tin-topped 'mujtahids' having acquired a smattering of secular education, but lacking totally in Islamic Knowledge, seek to vent their anti-Sunnah feelings and attitudes by kicking up dust--'moon-dust'--by churning up senseless arguments and controversies regarding the birth and sighting of the moon for Ramadhaan and Eid.

It has become their standing practice at the time of Ramadhaan every year to be plagued by some 'moon' disease. They thus exhibit their anti-Islamic, anti-Sunnah and anti-Shariah views and opinions by seeking to deny the rulings of the Shariah--rulings which have been extant in the Ummah since the time of Rasulallah (sallallahu alayhi wasallam). It is observed every year at the advent of Ramadhaan when according to Nabi-e-Kareem (sallallahu alayhi wasallam) the shayaateenul jinn (the devils among the jinn) are fettered in chains, the shayaateenul ins (human devils) become active executing the desires of their jinn counterparts who have been imprisoned for the duration of Ramadhaan. The shayaateenul ins (human satans) in the form of modernist ignoramuses assume the function of the jinn devils by stirring up controversy among the Muslims on the moon issue. They are motivated by pernicious intentions and are hell-bent on disrupting the peace of the community during the Holy Month of Ramadhaan with their silly controversies.

In their senseless attempt to refute the Shariah's rulings pertaining to the sighting of the hilaal (crescent moon) for Ramadhaan and Eid, these misguided modernists suffering from the disease of oblique mental vision, distort and misinterpret Qur'aanic aayat and Ahaadith narrations to fabricate a basis and proof for their utterly baseless contention that the 'birth' of the hilaal should be the criterion instead of the 'sighting' of the hilaal. Needless to say, the Ummah has to dismiss with contempt this tall order of the modernist juhhaal who conspire to assert their baatil personal opinions in negation of the fourteen-century Law of Islam.

The limit of their 'knowledge' extends to some translated versions of Ahadith books. They cling to translations and assign their own false and distorted interpretations to the words of the Shariah--the words of the Qur'aan and the Ahadith. They endeavour to impose their personal opinions and tender erroneous meanings to the unambiguous declarations of Rasulallah (sallallahu alayhi wasallam) and the Qur'aan Majeed. In this way, these ignoramuses swimming in a

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cesspool of jahl and arrogance, scheme to deceive those who lack Deeni knowledge.

For the past fourteen hundred years, from the very inception of Islam, the principle on which the determination of the Islamic months is based, has always been the SIGHTING of the hilaal. By sighting (rooyah) is not meant the sighting of every individual member in the community. The sighting of a few members of a community and in some cases the sighting of even a single individual will suffice for the commencement of the Islamic month. But, the criterion has always been the sighting of the hilaal, never the 'birth' of the hilaal. When the Shariah commands that the principle controlling the determination of the Islamic months is the SIGHTING of the hilaal, then it will be tantamount to denying Allah's Law by rejecting this principle and seeking to impose as an entirely new principle, in this case, the 'birth' of the moon contemplated by the juhhaal of our time. In their anti-Sunnah drive to upset and deny the Ruling of the Shariah, the misguided ones cite the following Hadith translation of their fancy:

"If then there is cloud over you then calculate (measure) it (the new moon)."

This statement is part of a Hadith which reads as follows:

"Ibn Umar (radhiallahu anhu) narrates that, verily Rasulallah (sallallahu alayhi wasallam) while speaking of Ramadhaan, said:

'Do not fast until you have seen the hilaal (the crescent moon) and do not terminate (the fasting) until you see it. If then (conditions) are cloudy over you, then enumerate for it (i.e. for the hilaal)'

(Sahih Bukhaari)

This same Hadith is narrated by Hadhrat Ibn Umar (radhiallahu anhu) in several different ways with the same meaning. The modernist juhhaal have translated the sentence: **فقدروا له** as "calculate--measure". While the infinite verb 'Taqrir' and 'Qadr' does have the meaning of 'calculate', the purpose of the modernists in presenting their personal version is to convey the impression that Rasulallah (sallallahu alayhi wasallam) ordered the Ummah to calculate the birth of the moon for the determination of the Islamic month of Ramadhaan and Shawwaal, etc. But, this contention of the modernists is blatantly false and in direct conflict with the command of Rasulallah (sallallahu alayhi wasallam). The Ahadith of Rasulallah (sallallahu alayhi wasallam) pertaining to the hilaal in relation to Ramadhaan and Eid refute the contention of the anti-Sunnah modernists. The Ahadith informs us with the greatest of clarity that the determination of the month of

Ramadhaan and Eid is by the SIGHTING of the hilaal, not by the 'birth' of the hilaal.

By presenting their personal opinion and distorted interpretation of the statement: **فقدروا له** the modernists imply the rejection of the Tafseer of the Hadith given by Rasulallah (sallallahu alayhi wasallam). By their attempt to give prominence to their baseless principle of the 'birth of the moon', the juhhaal ignore and deny the explicit statements and interpretation of Rasulallah (sallallahu alayhi wasallam). In a matter of the Deen it is not lawful to present one's fanciful ideas as 'tafseer' of the Qur'aan or Ahadith. If a word has several literal meanings, it is not permissible to tender the meaning which conforms to one's opinion when the Shariah has its own divine meanings and interpretation for the word. Once the Shariah has determined a specific meaning for a word, it will be haraam to ignore the Shar'i meaning and accept a literal meaning of one's choice and fancy. The modernist juhhaal in presenting the translation of 'calculate and measure' for the terms, **فقدروا له**, have interpreted these words of Rasulallah (sallallahu alayhi wasallam) to signify consent for determining the Islamic months on the basis of the 'birth of the moon'. This they have done despite the fact that Rasulallah (sallallahu alayhi wasallam) himself has clarified the meaning of **فقدروا له** Hadhrat Abdulah Ibn Umar (radhiallahu anhu), the narrator of the Hadith in question said:

"Verily, Rasulallah (sallallahu alayhi wasallam) said: The (Islamic) month is 29 nights. Hence, do not fast until you see it (the hilaal). Then if (conditions) become cloudy over you, then complete the number (with) thirty."

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This Hadith eliminates any ambiguity which modernists have attempted to introduce in the narration which state: **فقدروا له** (Then enumerate for it).

Firstly, the Hadith which the modernists are distorting to establish their basis, makes explicit mention of the "sighting of the hilaal". Commencement of the Ramadhaan fasting and its termination are explicitly based on the principle of SIGHTING the hilaal. The Ahadith relevant to this subject declare the rooyah (sighting) of the hilaal to be the signal for the beginning and the ending of the fasting of Ramadhaan. Since Rasulallah (sallallahu alayhi wasallam) ordered the commencement and ending of Ramadhaan on the SIGHTING of the respective crescent moons of Ramadhaan and Shawwaal, it will be an act of ilhaad (heresy) to reject this divine command and substitute it with a rule invented by the opinions of the juhhaal.

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Secondly, the Hadith which speaks of: **فقدروا له** (Then enumerate for it), is explained by several other narrations which state without any ambiguity that the number of days for Sha'baan should be fixed at thirty in the event of the hilaal not being sighted at the end of the 29th day. The aforementioned Hadith recorded in Bukhaari states: "Then complete the number (with) thirty". In another narration, Hadhrat Abu Hurairah (radhiallahu anhu) says:

"Rasulullah (sallallahu alayhi wasallam) said:
'Fast at its SIGHTING and terminate the fasting at its SIGHTING. Then if (conditions) become cloudy over you, complete the number of (the days of) Sha'baan thirty (days).'
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This explicit tafseer of the statement: **فقدروا له** refutes the calculation of the birth of the moon theory advanced by the ignoramuses in our time.

The following narration, also of Ibn Umar (radhiallahu anhu), throws more light on the meaning of the statement.

"..... Fast at its sighting and terminate the fasting at its sighting. Then, if (conditions) become cloudy over you, then fix for it thirty."

It should be noted that in this Hadith, the very same statement, **فقدروا له** appears. Along with this statement is the word, 'thirty' which adequately defines the meaning of **فقدروا له**. Thus, even if we have to accept the word, 'calculate', the meaning of **فقدروا له** will be:

"Then calculate for it thirty."

In other words, in the event of the crescent moon not being sighted, thirty days should be counted for the month of Sha'baan. The question of the calculation of the birth of the hilaal just does not arise in view of the explicit tafseer which Rasulullah (sallallahu alayhi wasallam), himself presents of the statement, **فقدروا له**.

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"Rasulullah (sallallahu alayhi wasallam) said:
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THIRTY DAYS."

What more clarity is required? Rasulullah (sallallahu alayhi wasallam) ordered that the month of Ramadhaan be regarded as a month of thirty days if the moon is not sighted at the end of the 29th day. The Ummah is commanded to fast thirty days. We have not been ordered to adopt astronomical tables and fix the month on the basis of the

birth of the hilaal.

Again, in another narration, Abu Hurairah (radhiallahu anhu) says:

"Rasulullah (sallallahu alayhi wasallam) said:
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In this Hadith, Muslims are ordered to 'complete the number', i.e. the number of days of the month, the number being thirty as stated by Rasulullah (sallallahu alayhi wasallam). The order is not given to 'compute' or 'to measure' or 'to evaluate' the birth of the moon. The command is simply to complete the month with thirty days.

The contention that the 'birth' and not the sighting of the hilaal is the principle is fraught with the dangerous implication that-- Nauthubillaah--Rasulullah (sallallahu alayhi wasallam) erroneously explained the terms: **فقدروا له** which he himself had stated. Since Rasulullah (sallallahu alayhi wasallam), himself has categorically stated that the month of Sha'baan has to be completed with thirty days if the hilaal is not sighted on account of poor weather conditions, there remains not the slightest room for maneuvering a personal opinion which seeks to negate the principle of *rooyah* (sighting) and the command to complete the month with thirty days. Thus, Imaam Nawawi (rahmatullah alayhi) states in his Sharhul Muslim:

"The summary of the discussion is that the basis is the (sighting of the) hilaal. Sometimes it is complete thirty and sometimes it is less, twenty nine. Sometimes the hilaal is not sighted. Then, completing the number with thirty is obligatory."

The following narration further strengthens the claim that the sighting of the hilaal is essential and in the event of no sighting being reliably reported, thirty days will apply:

"Muhammad Bin Ziyaad narrates: 'I heard Abu Hurairah saying: Rasulullah (sallallahu alayhi wasallam) said:

'Fast at its sighting and end the fasting at its sighting. If then the moon becomes hidden on you (on account of weather conditions), then count thirty (days)."

"Count or enumerate thirty days" said Rasulullah (sallallahu alayhi wasallam) in the event the hilaal is not sighted at the end of the 29th day. There is no mention and no instruction to resort to astronomy and the birth of the hilaal for the determination of the Islamic months. Imaam Nawawi (rahmatullah alayhi) states in his Sharhul Muslim in

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the exposition of the statement:

"The meaning that it is the calculation of the astronomers is not valid."

Imaam Shaafi further states:

"There is no substance in the statement of the astronomer (in so far as the hilaal is concerned). Fasting does not become obligatory with it nor is it (fasting) permissible (with the calculation of the astronomer)."

(Irshaadus Saari of Qustulaani)

In this regard, Durrul Mukhtar states:

"The statement of the astronomers (regarding the birth of the moon) is of no validity even if they are uprighteous. . . ."

In Al-Wahbaaniyah it is said:

"The statements of the astronomers have no effect (i.e. do not make incumbent fasting or ending the fasting)."

In Shaami, the following appears:

"According to Ijma' (consensus) there is no recognition for the statements of the astronomers. It is not permissible for the astronomer to act according to his calculation (i.e. he should neither commence Ramadhaan nor end Ramadhaan on the basis of his calculations)."

Astronomy is an old science. The early Muslims were aware of this science. However, the calculations of astronomy were never adopted by the Ummah for the purpose of determining the Islamic months since this determination is not based on the birth of the moon or the existence of the moon in any sphere or in any particular stage in its orbital movement. It is a known and an undeniable fact that the moon is always present and existing in some position or stage in its orbit. Shar'i laws do not concern with calculations which are beyond the scope and means of the overwhelming majority of mankind. Islam has, therefore, fixed the principle--the simple principle--of SIGHTING the hilaal. This principle is capable of adoption by all mankind, wherever people happen to be. Therefore, in so far as the Islamic months are concerned the existence and birth of the moon have no substance. Sighting the hilaal and in the event of this not being possible, the thirty days rule will apply. While astronomical tables may be accepted for mundane purposes, these are unacceptable for the purpose of determining the Islamic months, not because of unreliabil-

ity, but because Rasulullah (sallallahu alayhi wasallam) has stated the principle to be the SIGHTING of the hilaal. The scheme to substitute the principle of sighting the hilaal with the 'birth' of the moon is, therefore, tantamount to the rejection of the ruling declared by Rasulullah (sallallahu alayhi wasallam).

The Hadith in which Rasulullah (sallallahu alayhi wasallam) says: **لَا تُقَرِّبُوا لَهُ** (Enumerate for it or calculate for it or count for it), cannot be isolated from the other Hadith narrations on the very same subject of the hilaal and the determination of the Islamic months.

By isolating the Hadith from the rest of the narrations, the correct meaning cannot be understood. Furthermore, by isolating the Hadith a conflict is created between the various narrations when in fact there is no conflict whatever. The narrations making explicit reference to completing the month with thirty days are in fact the divine Tafseer of the Hadith which mentions 'calculation' of the hilaal. The 'calculation' referred to in the Hadith means to enumerate or count thirty days for the month. It has no relationship with the 'birth' or existence of the moon in any specific position in its orbit. The modernist juhhaal have thus presented the narration out of its context and have assigned to it a meaning which is in contradiction with the clear and straightforward Tafseer of Rasulullah (sallallahu alayhi wasallam).

Irshaadus Saari of Qustulaani states the following:

"(The Hadith stating): 'Then, complete the number' i.e. the number of the days of Sha'baan, with thirty' (days), is the tafseer and the exposition of Rasulullah's statement in the former Hadith, viz., 'Then enumerate for it' **لَا تُقَرِّبُوا لَهُ**. Explaining Hadith with Hadith is the best course."

Imaam Nawawi (rahmatullah alayh) presents the same view in his Sharhul Muslim in the discussion on the various Ahadith pertaining to the principle of SIGHTING the hilaal for Ramadhaan and Eid.

Those who have surfaced in this belated century with the opinion of the 'birth' of the moon should understand well that they are deviating from the Path and the Law which Islam has established fourteen centuries ago. A man of even little intelligence--i.e. intelligence imbued with the qualities of Imaan--will understand that it is not possible for the entire Ummah from the very inception of Islam to have erred in the unanimous view that the principle for determining the Islamic months is the SIGHTING of the hilaal, not the 'birth' of the moon. It is inconceivable that the entire Ummah with all its illustrious authorities have dwelled in the darkness of error for so long--for

the exposition of the statement:

"The meaning that it is the calculation of the astronomers is not valid."

Imaam Shaafi further states:

"There is no substance in the statement of the astronomer (in so far as the hilaal is concerned). Fasting does not become obligatory with it nor is it (fasting) permissible (with the calculation of the astronomer)."

(Irshaadus Saari of Qustulaani)

In this regard, Durrul Mukhtar states:

"The statement of the astronomers (regarding the birth of the moon) is of no validity even if they are uprighteous. . . ."

In Al-Wahbaaniyah it is said:

"The statements of the astronomers have no effect (i.e. do not make incumbent fasting or ending the fasting)."

In Shaami, the following appears:

"According to Ijma' (consensus) there is no recognition for the statements of the astronomers. It is not permissible for the astronomer to act according to his calculation (i.e. he should neither commence Ramadhaan nor end Ramadhaan on the basis of his calculations)."

Astronomy is an old science. The early Muslims were aware of this science. However, the calculations of astronomy were never adopted by the Ummah for the purpose of determining the Islamic months since this determination is not based on the birth of the moon or the existence of the moon in any sphere or in any particular stage in its orbital movement. It is a known and an undeniable fact that the moon is always present and existing in some position or stage in its orbit. Shar'i laws do not concern with calculations which are beyond the scope and means of the overwhelming majority of mankind. Islam has, therefore, fixed the principle--the simple principle--of SIGHTING the hilaal. This principle is capable of adoption by all mankind, wherever people happen to be. Therefore, in so far as the Islamic months are concerned the existence and birth of the moon have no substance. Sighting the hilaal and in the event of this not being possible, the thirty days rule will apply. While astronomical tables may be accepted for mundane purposes, these are unacceptable for the purpose of determining the Islamic months, not because of unreliabil-

ity, but because Rasulullah (sallallahu alayhi wasallam) has stated the principle to be the SIGHTING of the hilaal. The scheme to substitute the principle of sighting the hilaal with the 'birth' of the moon is, therefore, tantamount to the rejection of the ruling declared by Rasulullah (sallallahu alayhi wasallam).

The Hadith in which Rasulullah (sallallahu alayhi wasallam) says: **فَالْقُرْآنُ** (Enumerate for it or calculate for it or count for it), cannot be isolated from the other Hadith narrations on the very same subject of the hilaal and the determination of the Islamic months.

By isolating the Hadith from the rest of the narrations, the correct meaning cannot be understood. Furthermore, by isolating the Hadith a conflict is created between the various narrations when in fact there is no conflict whatever. The narrations making explicit reference to completing the month with thirty days are in fact the divine Tafseer of the Hadith which mentions 'calculation' of the hilaal. The 'calculation' referred to in the Hadith means to enumerate or count thirty days for the month. It has no relationship with the 'birth' or existence of the moon in any specific position in its orbit. The modernist juhhaal have thus presented the narration out of its context and have assigned to it a meaning which is in contradiction with the clear and straightforward Tafseer of Rasulullah (sallallahu alayhi wasallam).

Irshaadus Saari of Qustulaani states the following:

"(The Hadith stating): 'Then, complete the number' i.e. the number of the days of Sha'baan, with thirty' (days), is the tafseer and the exposition of Rasulullah's statement in the former Hadith, viz., 'Then enumerate for it' **فَالْقُرْآنُ**. Explaining Hadith with Hadith is the best course."

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fourteen centuries--and that in this time of colossal Deeni ignorance, modernist ignoramus have managed to unearth the 'truth' of a Shar'i Law.

UMMATAN UMMIYATAN

The modernists have also advanced the view that the practice of completing the month with thirty days was due to the early Muslims lacking in the knowledge of astronomy. This is indeed absurd and it demonstrates the gross ignorance of these deviates who attempt to bring about a cancellation of the laws of Islam. Hadhrat Ibn Umar (radhiallahu anhu) narrates that Rasulullah (sallallahu alayhi wasallam) said:

"Verily, we are an unlettered community (ummatan ummiyyatan). We neither write nor calculate. The month is so much and so much and so much, i.e. sometimes it is 29 days and sometimes it is 30 days."

(Bukhaari Shareef)

When Rasulullah (sallallahu alayhi wasallam) said: "so much and so much and so much", he indicated with the fingers of both hands and the third time he folded one thumb to indicate 29 days.

Commenting on this Hadith, the modernist ignoramus contend that the early Muslims were "asked" to complete the month of Sha'baan thirty days because they were "illiterate" in regard to astronomy. Thus, in terms of their lop-sided logic the thirty day rule applied only during the early times when Muslims were "illiterate" in regard to astronomy. Let these deviates understand that the vast and overwhelming majority of mankind even in this space age is "illiterate" and ignorant of astronomy just as mankind was "illiterate" and ignorant of astronomy in the early days. The progress of science in this age does not mean that the man in the street is aware of the intricacies of astronomy. The expert knowledge of this science is not known to the majority of people. While there exist experts on this subject who can prepare elaborate and precise astronomical tables, astronomers in the early days possessed sufficient knowledge to forecast even eclipses of the moon well in advance. Recognition of the phases of the moon, its birth, its waxing and waning, were facts of which astronomers were well-acquainted during the time of Rasulullah (sallallahu alayhi wasallam). But, just as the majority of mankind does not deal with the intricacies of astronomy in this day, so was it in the early days.

The advance and progress of science and astronomy do not abrogate the Laws of Islam. Islam is the final Law of Allah Ta'ala. If

the Shariah is not adequate for present times, the kufr conclusion of a need for another nabi will have to be presented. In fact, the modernist juhhaal have implied that the Shariah is incomplete and imperfect, hence the applicability of the thirty day rule to only bygone times. This implication is kufr for it denies the completion and perfection of Islam--the perfection which resulted in the finality of Nubuwwah.

Islam came for all mankind. Islam is not a Deen exclusively for those well-advanced in scientific knowledge. The vast majority of mankind--the millions and millions of illiterate people inhabiting most countries of the world as well as the millions of people who possess a smattering of secular education gained in western schools and colleges require simple natural phenomena for determining the times and occasions of their acts of Ibaadat. Islam has therefore ordained the act of SIGHTING the hilaal for the commencement of the Islamic months. This is a method which will never become obsolete. It will remain forever a simple and easily available method for the multitudes of humanity. Thus, it is said in Irshaadus Saari:

"Our Ibaadat has been coupled with clear signs and phenomena. . . . In recognizing these clear signs the calculators (i.e. the astronomers) and all others are equal."

The authorities of Islam have stated categorically that the tables and the statements of astronomers have absolutely no significance in the determination of Islamic acts of Ibaadat. Yet, the deviates of our time desire to impose their fallacious views on the Ummah. They seek to abrogate the rules of the Shariah declared by Rasulullah (sallallahu alayhi wasallam). In the words of the Qur'aan, "They are lost in this world and in the Akhirah".

The early Muslims were not merely "asked" by Rasulullah (sallallahu alayhi wasallam) to complete the month of Sha'baan thirty days in the event of the hilaal not being sighted. On the contrary they were commanded to do so and this command was not restricted to them. Let the deviates bring forth their proof for this falsehood which they are trading. Rasulullah (sallallahu alayhi wasallam) made it abundantly clear that the Islamic month has either 29 or 30 days. It will be thirty days if the hilaal is not sighted at the end of the 29th day. There is nothing intricate to understand in this clear and simple rule of Islam. The controversy churned up by the modernist is nothing other than the promptings of shaitaan and the evil of the nafs.

Since the principle established by Islam for the Islamic months is the act of SIGHTING the hilaal, the question of its 'birth' does not arise. The 'birth' of the moon is merely a stage in its journey in its orbit. This phase of the moon has not been considered by Islam for the commencement of the Islamic months. Those who contend this fal-

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lacy must necessarily present their Shar'i evidence. Since they totally lack Islamic proof for their baseless view, they tender stupid interpretations such as "the early Muslims were illiterate in regard to astronomy". When Islam has stated without ambiguity that the SIGHTING of the hilaal or THIRTY DAYS in the event of sighting not being possible, heralds the new Islamic month, then it is highly unreasonable and an act of kufr to seek the abrogation of this law and introduce a view which is the figment of the imagination of men grovelling in ignorance in so far as the Shariah is concerned. The Shariah apart, the self-styled 'mujtahids' basing their 'ijtihad' on the smattering of secular education they have acquired, fail to understand the impracticality of their 'principle' of the birth of the moon for fixing the months. They are unable to grasp that a measure dependent on astronomical calculations is not feasible for the innumerable millions of people who have no association with astronomy and its calculations. Their thinking is highly retrogressive. Instead of appreciating the simple and clear methods decreed by Allah Ta'ala, they tend to obfuscate the issue with their nafsaani opinions. They are committed to make the problems of the community more complex and intractable. This is because of their loose association with the Deen. Thus, every teaching of Islam, every act of the Sunnah which conflicts with their views of modernism is denied and subjected to the ridicule of their distorted interpretations.

DECLARING THE PRINCIPLE OF ROOYAH (SIGHTING)

"Bakhtari narrates: We set out for Umrah. When we entered the Valley of Nakhlah we made effort to sight the hilaal. (When the hilaal was sighted) some persons said that it was the third moon (on account of its large size) and others said that it was the second moon. We then met Ibn Abbaas (radhiallahu anhu) and . . . (this incident was explained to him). He (Ibn Abbaas) said: 'Which night did you see it?' We said: 'On a certain night,' Ibn Abbaas said:

"Verily, Rasulullah (sallallahu alayhi wasallam) related the hilaal to its sighting (rooyah). Therefore, it is the moon of the night you saw it."

(Sahihul Muslim)

In another narration, Hadhrat Ibn Abbaas, the eminent Sahaabi (radhiallahu anhu), said:

"Verily, Allah has related (or associated) it (the hilaal) to its sighting. If then it becomes cloudy over you (and the hilaal becomes concealed from your gaze), then complete the number (of days)."

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It should thus be abundantly clear that the birth and the size of the moon are not factors to consider when determining the commencement of the Islamic months. The standard fixed by Allah Ta'ala is the SIGHTING of the hilaal. The hilaal is related to its sighting not to its birth. There is absolutely no ambiguity in this Shar'i principle divinely fixed.

THE FALSE NOTION OF UNITY

The modernists who have strayed far from the Sunnah present their imagined ideas of unity for the desire to forge the beginning of Ramadhaan and the celebration of Eid on one day throughout the world. In their imagination the unity of the Ummah is split if Ramadhaan commences on different days in different places. Similarly with the occasions of Eid. When Salaat is performed at different times in various places, the unity of the Ummah is not split, but when Ramadhaan commences on different days in different parts of the world, the deviates imagine this to be the product of disunity. They lack the knowledge and the understanding of the causes of disunity in the Ummah. Ramadhaan and Eid were held on different days even during the time of the Sahaabah, but never was such a difference a cause of disunity nor was it the result of disunity. Such differences were based on the teachings of Islam.

The following narration testifies to the validity of differences in the occasions of Ramadhaan and Eid.

"Kuraib narrates that Ummul Fadhl Binte Harith sent him on an errand to Muaawiyah in Shaam. He said:

'I went to Shaam and fulfilled her requirement and while I was still in Shaam the hilaal of Ramadhaan appeared over me. Thus, I saw the hilaal on the night of Friday. Then towards the end of the month I came to Madinah and Abdullah Ibn Abbaas questioned me. He then spoke about the hilaal and said:

'Did you (i.e. the people in Shaam) see the hilaal?'

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I said: 'Yes, and the people saw it and fasted. Muaawiyah too fasted.'

He (Ibn Abbaas) said: 'But, we saw it on the night of Saturday. Therefore, we shall continue to fast until we complete thirty days or we see it (i.e. the hilaal at the end of the 29th day).'

(Sahihul Muslim)

Despite the fact that the news of the sighting of the hilaal in Damascus was reliably reported to Hadhrat Ibn Abbaas (radhiallahu anhu), he maintained that the people of Madinah would adhere to their own sighting. This Hadith is proof for the claim that the sighting of one place is not incumbent on the people of another place.

The Sunnah indicates that there is no incumbency for the Eid or Ramadhaan to co-incide or begin on the same day throughout the world. When the Shariah has not imposed this type of 'unity' the attempt to forge it on the basis of the opinions of the deviates is baatil and in conflict with the Shariah.

ANOTHER FALLACIOUS ARGUMENT OF THE DEVIATES

The modernists contend that since Muslims have accepted time-tables, clocks, etc., for calculating Salaat and Sehri times, they are 'fooling' themselves by refraining from astronomical tables for determining the Islamic months, Ramadhaan and the Eid. It is alleged that Muslims do not physically ascertain the natural phenomena occurring for the purposes of Salaat and Sehri. The calculations on time-tables are accepted. The argument therefore is that since time-tables, etc. are acceptable for Salaat and Sehri, they should be acceptable for Ramadhaan and Eid as well.

This argument is in fact based on ignorance. The ignoramuses have failed to understand the difference between commencement of the times of the Salaat and the determination of the beginning of Ramadhaan and Eid. Their hollow knowledge in the secular field and their total lack of knowledge in the Islamic sphere do not permit them to understand even simple facts. They fail to understand that in the acceptance of time-tables for Salaat and Sehri purposes no principle or teaching of Islam is violated while in the adoption of such tables or calculations for the Islamic months an important principle of the shariah is violated and abrogated, viz., the principle of SIGHTING the hilaal.

In so far as the Salaat times are concerned, the principle of sighting the actual occurrence of the natural phenomena has not been ordained, e.g. Maghrib Salaat time commences upon sunset. The Shariah has not ordered the rooyah (sighting) of the sunset for

the validity of the commencement of Maghrib. It does not matter in which way the sunset is established, as long as it is reliably established, the information shall be accepted. The Ahadith and the practical example of Rasulullah (sallallahu alayhi wasallam) and the Sahaabah are sufficient indication and proof for the contention that sighting the natural phenomena for the Salaat times is not necessary. If experience and observation confirm that the time-tables are accurate, then it will be permissible to place reliance thereon because the principle of rooyah (sighting) has not been commanded by Allah Ta'ala in this regard.

In contrast we have the Islamic months. When does a month commence? The modernist deviates will understand if it is said that Maghrib commences on sunset; Fajr ends at sunrise; Zawaal is at a certain time, etc. But, we ask them: When does the Islamic month commence? While they (the juhhaal) have stated the natural phenomena for the Salaat times, e.g. sunset, etc., they have not apprized us of the natural phenomenon which heralds the commencement of the Islamic month. Now which natural phenomenon is the determining factor for the commencement of the Islamic months? If they say that it is the birth of the moon, we shall demand Islamic proof for this claim. Which narration states that the Islamic month commences with the birth of the moon. If Islam had fixed the birth of the moon as the standard or principle for the commencement of the Islamic month, then of course, there would have been no objection to the adoption of astronomical tables and calculations. Just as time-tables are now acceptable for Salaat times, so too would such calculations have been acceptable in regard to the hilaal and the Islamic months if Islam had stipulated the hilaal's birth as the phenomenon to herald the beginning of the month.

Since the mere existence of the moon in any phase or stage is not the phenomenon for the determination of the months, the claim of its birth is meaningless and devoid of any Shar'i substance. The Shariah has categorically decreed SIGHTING of the hilaal or thirty days if the hilaal is not sighted as the principle. Sighting is the physical act of man. Regarding this act of sighting the hilaal, the anti-Sunnah deviates ask:

"How many Muslims ascertain by physical sighting if the sun has really set or become yellow or the red-hue has disappeared?"

This objection is misdirected. The question is puerile and baseless since sighting of these phenomena has not been ordered by the Shariah. Even in regard to the sighting of the hilaal, the Shariah does not command each and every person in the community to sight the hilaal. The sighting of an individual or a few individuals (depending on the months and circumstances) suffices for all in the unanimous

He (Ibn Abbaas) said: 'But, we saw it on the night of Saturday. Therefore, we shall continue to fast until we complete thirty days or we see it (i.e. the hilaal at the end of the 29th day).'

(Sahihul Muslim)

Despite the fact that the news of the sighting of the hilaal in Damascus was reliably reported to Hadhrat Ibn Abbaas (radhiyallahu anhu), he maintained that the people of Madinah would adhere to their own sighting. This Hadith is proof for the claim that the sighting of one place is not incumbent on the people of another place.

The Sunnah indicates that there is no incumbency for the Eid or Ramadhaan to co-incide or begin on the same day throughout the world. When the Shariah has not imposed this type of 'unity' the attempt to forge it on the basis of the opinions of the deviates is baatil and in conflict with the Shariah.

ANOTHER FALLACIOUS ARGUMENT OF THE DEVIATES

The modernists contend that since Muslims have accepted time-tables, clocks, etc., for calculating Salaat and Sehri times, they are 'fooling' themselves by refraining from astronomical tables for determining the Islamic months, Ramadhaan and the Eid. It is alleged that Muslims do not physically ascertain the natural phenomena occurring for the purposes of Salaat and Sehri. The calculations on time-tables are accepted. The argument therefore is that since time-tables, etc. are acceptable for Salaat and Sehri, they should be acceptable for Ramadhaan and Eid as well.

This argument is in fact based on ignorance. The ignoramuses have failed to understand the difference between commencement of the times of the Salaat and the determination of the beginning of Ramadhaan and Eid. Their hollow knowledge in the secular field and their total lack of knowledge in the Islamic sphere do not permit them to understand even simple facts. They fail to understand that in the acceptance of time-tables for Salaat and Sehri purposes no principle or teaching of Islam is violated while in the adoption of such tables or calculations for the Islamic months an important principle of the shariah is violated and abrogated, viz., the principle of SIGHTING the hilaal.

In so far as the Salaat times are concerned, the principle of sighting the actual occurrence of the natural phenomena has not been ordained, e.g. Maghrib Salaat time commences upon sunset. The Shariah has not ordered the rooyah (sighting) of the sunset for

the validity of the commencement of Maghrib. It does not matter in which way the sunset is established, as long as it is reliably established, the information shall be accepted. The Ahadith and the practical example of Rasulullah (sallallahu alayhi wasallam) and the Sahaabah are sufficient indication and proof for the contention that sighting the natural phenomena for the Salaat times is not necessary. If experience and observation confirm that the time-tables are accurate, then it will be permissible to place reliance thereon because the principle of rooyah (sighting) has not been commanded by Allah Ta'ala in this regard.

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opinion of the authorities of Islam. But, in all cases the month's beginning will be determined by actual sighting of the hilaal or thirty days if the hilaal is not sighted on account of poor weather conditions.

While it is possible to prepare correct time-tables showing sunrise, sunset, zawaal and Salaat times, it is not possible to prepare time-tables for sightings of the hilaal. Sunset and sunrise times as well as the times for the other phenomena which control the Salaat times can be calculated, but sighting the hilaal cannot be calculated since sighting is the act of the individual. It is possible to calculate the age of the moon from its birth to sunset, hence one can say that at sunset on the 29th day the moon will be 19 hours or 29 hours old, making visibility easy. But the feasibility of the moon being visible is not the act of actual sighting which is the governing principle. The modernist may argue that since the moon will be 29 hours old it will be "easily visible". But this possibility of sighting is not actual sighting. Surely they cannot be so dull in the mind as not to understand the difference between the possibility of easy sighting and actual sighting. The possibility of it being easily visible on account of its 'age' is not evidence for a future sighting. Sighting will be established only after news of the actual sighting has been reliably confirmed. The skies throughout a country may be overcast on the night when the moon happens to be 29 hours old, making visibility impossible. What happens then? What standard has to be adopted for the new month? The Mu'min's commonsense will dictate to him to adopt the Sunnah of Rasulullah (sallallahu alayhi wasallam) who said:

"Then if (the weather conditions) become cloudy over you then complete the number thirty."

So simple and so easy to follow. Yet, the ignoramuses in our time kick up so much dust to present the opinions of their deviated minds. The sighting can never be calculated since it (sighting) is the actual act of man seeing the moon. Yes, the 'birth' of the moon can be calculated, but in the Shariah this phase of the moon has no significance in the determination of the Islamic month. Thus, arguing on the basis of calculations of the birth of the moon is utterly baseless.

The juhhaal (ignoramuses) who desire to be known as authorities of the Shariah, contend that Muslims in the present age follow time-tables for Salaat times because they understand astronomy. The implication in this claim is that in the early days--the age of the Sahaabah--people were ignorant of astronomy and on account of such ignorance they were compelled to resort to the physical verification of the occurrence of the natural phenomena on which the times for the various Ibaadaat are based. On the basis of this modernists reasoning, it is asserted that such physical ascertainment of the natural phenomena is no longer required since Muslims are now

versed in astronomy. This trend of argument is the product of mental confusion and defective belief. Let us assume that the early Muslims were totally ignorant of astronomy. On the basis of this assumption and in terms of the modernist line of reasoning it was necessary for every individual in those days to physically check the happening of the natural phenomena to establish the Salaat times. But, in actual fact, this was not the case. It was never required that every individual physically ascertain the Salaat times. The call of the Muath-thin was sufficient proof for the Salaat time. If correct time-tables had existed in those days--their accuracy having been ascertained and proven--then people in those days would have adopted the tables without hesitation in view of the fact that the use of the time-tables for Salaat purposes does not violate any Shar'i principle. But, in so far as the Islamic months are concerned, the tables would never have been valid even if they had existed in the early times, since the Shariah has not related the commencement of the months to the 'birth' of the moon. Thus, tables are of no use. The time-tables of the astronomers present only such facts and figures as are related to Salaat times, Sehri time, Zawaal time, etc. The time-table is unable to provide the human act of sighting the hilaal--the principle essential for the commencement of the Islamic month.

Now for the benefit of the juhhaal who labour under the false notion that people in general in this age are cognizant with the workings of astronomy--that they are versed in astronomy--we advise them to take a survey of the man in the street and ascertain for themselves how many people are able to calculate, astronomically speaking. At best, they can read the time-tables. But, they themselves lack--totally lack--the ability to utilize natural phenomena and astronomical formulae and the instruments and methods of astronomy to calculate the times and the phases of the moon. At best, they will follow blindly--resort to blind taqleed of the kuffaar astronomers wallowing in kufr and vice--and accept and follow such calculations as if these are the Holy Writ. Blind 'taqleed' of kuffaar astronomers does not qualify the 'muqallid' as an astronomer. Blind following of time-tables does not mean that the blind follower is versed in astronomy. To this extent, the early Muslims too were versed in astronomy, hence we find the books of the Shariah of the very first century of Islam speaking of the astronomers and their time-tables. There is therefore no substance in the argument of being 'literate' or 'illiterate' in so far as astronomy is concerned.

SUMMARY

The following is a summary of the discussion presented in this article.

- (1) Islam has fixed the *rooyah* (actual sighting) of the hilaal as the principle for the determination of the commencement of the Islamic month.

opinion of the authorities of Islam. But, in all cases the month's beginning will be determined by actual sighting of the hilaal or thirty days if the hilaal is not sighted on account of poor weather conditions.

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SUMMARY

The following is a summary of the discussion presented in this article.

- (1) Islam has fixed the *rooyah* (actual sighting) of the hilaal as the principle for the determination of the commencement of the Islamic month.

- (2) The 'birth' of the moon has not been considered by Islam for determining the months.
- (3) The principle which has always been adopted since the past fourteen hundred years was this principle of *rooyah* (sighting) which was commanded by Rasulullah (sallallahu alayhi wasallam).
- (4) In the event the hilaal is not sighted on account of poor weather conditions, Rasulullah (sallallahu alayhi wasallam) commanded that the month be completed with thirty days. This has been the practice of the Ummah for the past fourteen hundred years since the time of Nabi-e-Kareem (sallallahu alayhi wasallam).
- (5) Since physical sighting of the natural phenomena such as sunrise and sunset has not been commanded by the Shariah, any method of ascertaining these occurrences for the Salaat and Sehri times will be acceptable provided that the methods are reliable.
- (6) Time-tables and astronomical calculations in so far as the determination of the Islamic months is concerned are not valid in the Shariah. The calculations of astronomy in so far as the birth of the moon is concerned are not acceptable, not because of any aversion to astronomy, but because the principle governing the beginning of the Islamic months is the sighting of the hilaal. This act cannot be fulfilled by calculations.
- (7) It is not valid, hence not permissible to plot the Islamic months on the basis of the birth of the moon or assumed feasibility of sighting.

A RECENT HILAAL CONTROVERSY

Ignorance of the Shariah's rules pertaining to the sighting of the moon for the Islamic months leads to unnecessary controversy and dispute on the occasions of Ramadhaan and the two Eids. In this regard there prevailed much controversy and dispute last year (1407 A.H) in North America and South Africa. Such disputes are usually generated by those who lack Islamic knowledge and are ignorant of the Shar'i teachings and principles on which Islam's rulings are based.

In the desire to forge the celebration of Eid on one day in all places, the shariah's rules are ignored and the argument of 'unity' is presented. The clamour for 'unity' raised by those who endeavour to force the celebration of Eid on the same day at all places in defiance of Shar'i rules, is not always motivated by sincerity, for we observe that

the very persons who raise the slogan of unity go out of their way to create dispute and spread controversy. They revile, criticize and slander those who did not conform to their desires of celebrating Eid on the day proposed by the trumpeters of hollow slogans of unity. If they were sincere in their assertions of unity, they would have buried the differences and not further aggravate the 'dispute' by shouting criticism emotionally and by publicizing the dispute in the non-Muslim press for the consumption of all and sundry. If they possessed true Islamic knowledge, they would not have ventured to fulminate against those who correctly celebrate Eid on the day that Eid is established on the basis of Shar'i rules.

If the rules of the Shariah are accepted and followed, there will be no occasion for the needless and acrimonious disputes and controversies created by ignorant modernists, fussaaq and even certain Aalims who, for all practical purposes, happen to be just like laymen knowing not how to distinguish between left and right.

In 1407 A.H. a dispute in South Africa centred around Eidul Adha. While Eidul Adha was on a Saturday in the Cape and Natal, it was celebrated in Transvaal on Sunday by the overwhelming majority of Transvaal Muslims following the verdict of the Transvaal Jamiatul Ulama. Some groups in Transvaal dissented with the Jamiat's verdict and had Eid on Saturday. In North America, according to reports emanating from that end, much dissension and controversy were created on the occasion of Ramadhaan. Organizations which are supposedly responsible announced the commencement of Ramadhaan only to retract the announcement weeks later after discovering that they had been duped. From the information at our disposal it seems abundantly clear that the modernists in North America are a most irresponsible group following personal opinion and desire in matters of Shar'i concern. The principles for sighting the moon decreed by Rasulullah (sallallahu alayhi wasallam) are largely ignored while greater reliance is accorded to wild rumours and just any rumour emanating from any faasiq and faajir. Astronomical tables and calculations which the Shariah rejects in so far as the plotting of the Islamic months is concerned, are accorded the rank of the Holy Writ by the modernists grossly deficient in Shar'i knowledge.

One North American organization of modernists over-awed by scientific progress states:

"The Fiqh Committee should have given more credence to published astronomical tables that show the impossibility of sighting the new crescent. . ."

Such credence has no Shar'i backing. Greater credence is required for the teachings of Islam. Rasulullah (sallallahu alayhi wasallam)

has fixed the following two methods for the establishment of the Islamic months:

- (1) Physical sighting of the hilaal (crescent moon) at the end of the 29th day of the lunar month.
- (2) Completing the month a full thirty days in the event of the moon not being visible on account of overcast or hazy conditions.

The Fuqaha of Islam have explained that if news of the sighting reaches people reliably (Tareeq-e-Moojib) then only does it become incumbent to accept such news. But, astronomical tables and scientific tables have absolutely no credence whatever in so far as the commencement of Islamic months is concerned. The views of the various Math-habs of Haqq (Hanafi, Maaliki, Hambali and Shaaf'i) are set out hereunder on this question.

HANAFI, MAALIKI, HAMBALI AND SHAAFI MATHA-HIB

Astronomical tables and calculations have no basis in the determination of the hilaal. Neither Ramadhan nor Eid become incumbent on the basis of such calculations. It is not permissible for even the astronomer to celebrate these auspicious occasions on the basis of his calculation. It is not lawful to make any announcement of Ramadhan or Eid on the basis of such tables and calculations. It is not permissible for Muslims to follow such calculations for the purposes of Ramadhan and Eid.

Thus, it is clear that in the unanimous opinion of all the Math-habs astronomical calculations cannot be used as a basis to impose decisions on the Muslim community in regard to Ramadhan and Eid.

THE SHAR'I RULES FOR THE HILAAL OF RAMADHAAN

Hanafi, Shaaf'i, and Maaliki Math-hab:

The commencement of Ramadhan is established either by sighting the hilaal (crescent) at the end of the 29th day or by completing the month of Sha'baan a full thirty days should the moon not be visible on account of overcast skies, rain, etc., at the end of the 29th day.

Hambali Math-hab

According to the Hambali Math-hab it is not obligatory to complete Sha'baan with thirty days if the moon is not sighted on account of cloudy conditions. If at the end of the 29th day of Sha'baan the skies are overcast and the moon is not visible, it will be obligatory to make niyyat (intention) during the night to fast the following day whether the following day will in actual fact be Sha'baan or Ramadhan. However, the niyyat should be for the Saum (fasting) of Ramadhan. Should it be established that the next day is that of Sha'baan then it will not be incumbent to complete the fast of that day which was already commenced.

THE MANNER OF ESTABLISHING THE RAMADHAAN HILAAL Shaaf'i Math-hab

The sighting of the Ramadhan hilaal will be valid if it was sighted by even one uprighteous Muslim regardless of the sky being clear or overcast. The one who reports his sighting should be uprighteous, a male, baaligh (major), a free person and sane. When reporting his sighting, he must do so by way of shahaadat (testimony), i.e. he must say: "Ash-hadu. . . (I bear witness). . ." He has to proclaim his shahaadat on his sighting in the presence of the Qaadhi or the Ulama or in the Musjid in the event of there being no validly appointed Qaadhi as is the case in our time. Once the declaration of shahaadat has been made and the decision announced by those in charge, fasting will become obligatory on the whole community.

Maaliki Math-hab

There are three ways in which the Ramadhan hilaal is established:

- (1) Two Aadil (uprighteous) persons sight the moon. These two should be males, free and baaligh (who have attained the age of puberty).
- (2) A large number of people sight the moon, the number being such that the possibility of falsehood and uncertainty is precluded. Where a large number of people report their own individual sightings, the condition of Adaalat (uprighteousness) is not a requisite nor is it essential that all the sighters in this case be males and free persons.

In the above two ways of establishing the Ramadhan sighting, the word 'shahaada' is not necessary. There is no imperative need for the sighters in these two cases to report their sightings by way of Shahaadat (testimony).

- (3) The sighting is reported by only one person. In this case the sighting will be valid for only the sighter and such people who have full confidence in his integrity. Where only one person sights the moon, be it male or female, free person or slave, he/she has to observe the fast. However, in the first two cases mentioned above, fasting becomes obligatory on all.

Notwithstanding the fact that the sighting of a single person is valid only for himself/herself, it is obligatory on the lone sighter to report his/her sighting to the Qaadhi (or those in his place) so that his/her testimony may be taken. When only one uprighteous person makes his report to the Qaadhi, he has to testify by using the term, 'shahaadat'. It is quite possible that another pious person from another area also sighted the moon, hence the need for lone sighters to make their reports. This will enable the Qaadhi to make an announcement for the whole community since he will have with him the testimony of several individuals.

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In the above two ways of establishing the Ramadhan sighting, the word 'shahaada' is not necessary. There is no imperative need for the sighters in these two cases to report their sightings by way of Shahaadat (testimony).

- (3) The sighting is reported by only one person. In this case the sighting will be valid for only the sighter and such people who have full confidence in his integrity. Where only one person sights the moon, be it male or female, free person or slave, he/she has to observe the fast. However, in the first two cases mentioned above, fasting becomes obligatory on all.

Notwithstanding the fact that the sighting of a single person is valid only for himself/herself, it is obligatory on the lone sighter to report his/her sighting to the Qaadhi (or those in his place) so that his/her testimony may be taken. When only one uprighteous person makes his report to the Qaadhi, he has to testify by using the term, 'shahaadat'. It is quite possible that another pious person from another area also sighted the moon, hence the need for lone sighters to make their reports. This will enable the Qaadhi to make an announcement for the whole community since he will have with him the testimony of several individuals.

Hambali Math-hab

The sighting of the Ramadhaan hilaal is confirmed by the report of even one uprighteous person who has attained the age of buloogh (puberty). If the Adaalat (uprighteousness) of the one who has sighted the crescent alone is unknown (i.e. mastoorul haal), his report will not be sufficient to confirm the hilaal of Ramadhaan. The uprighteous person for this purpose may be male, female, free person or slave. Shahaadat is not necessary in this case. Although the Ramadhaan hilaal is confirmed by the sighting of one Aadil person, nevertheless, it is not obligatory on him/her to report the sighting to the Qaadhi nor make the announcement in the Musjid according to the Hambali Math-hab.

Hanafi Math-hab

If the sky is clear and the sighting conditions are favourable, it is essential that the sighting be reported by way of shahaadat (testimony) by such a large number of people whose testimony cannot be rejected as being false. The large number of witnesses precludes the possibility of doubt and falsehood. The various individuals who report their own sightings should bear shahaadat (testimony) to their sighting. In this case Adaalat (uprighteousness) is not an essential condition nor is it necessary that all the sighters be males.

If the sky is overcast, the sighting will be confirmed by the report of even one Aadil, male or female. The person must be an adult. Where the sighting is reported by one uprighteous person and conditions are overcast, shahaadat is not necessary. It is obligatory on the sighters to report their sightings to the Qaadhi. Where there is no Qaadhi, they should proceed to the Musjid and make the announcement.

THE SIGHTINGS OF DIFFERENT REGIONS

According to the Hanafi, Maaliki and Hambali Math-hab the sighting of one region is valid for another region if the news of the sighting reaches reliably (Tareeq-e-Moojib). Distance and direction as well as longitudinal differences of the regions are of no consequence in this matter. The sighting of the East is valid for the West and vice versa as long as the sighting is reliably confirmed and the news transmitted reliably to preclude any possibility of doubt, uncertainty and falsehood. If the sighting of one region is reliably confirmed in another region, fasting becomes obligatory on the people of that region as well. This applies to Eid as well.

Although some Hanafi Ulama take into consideration difference of longitudinal locations of the regions, the Jamhoor Hanafi Fuqaha reject the validity of difference of longitudinal location in relation to the hilaal for Ramadhaan and Eid. The authoritative verdict of the Hanafi Math-hab is thus on the validity of the sighting of one region for another region irrespective of difference in longitudinal

location of the regions concerned. But, the essential condition for the acceptance of such news is reliable transmission and receipt of the news (Tareeq-e-Moojib). Just any rumour, news, radio announcement, telephone message, etc. are not regarded as "reliable" nor are these methods of transmission regarded as Tareeq-e-Moojib for the purpose of confirming the hilaal.

Some persons contend that according to the Hanafi Math-hab the acceptance of the sighting of the moon is restricted to a distance of approximately 400 miles. This is manifestly erroneous. It is not permissible for muqallideen Ulama of our calibre to ignore the official verdict (Mufta Bihj) of our Math-hab and form a conclusion on the basis of a minority view which has been rejected by the Jamhoor Fuqaha of, not only the Hanafi Math-hab, but of the Maaliki and Hambali Math-hab as well. Thus the argument that the sighting of Cape Town is not valid for Johannesburg because of the distance of 1000 miles is not valid. Yes, the Ulama of Transvaal are fully entitled to reject the messages of Cape Town and elsewhere if in their opinion the transmission of the messages purporting the sighting did not reach them reliably, i.e. reliably in Shar'i terms (Tareeq-e-Moojib). In the absence of Tareeq-e-Moojib no one has any right to criticize the Ulama of Transvaal for their decision to reject the news of the Cape Town sighting. They are under no Shar'i obligation to accept news which they consider to be unreliable.

Shaafi Math-hab

According to the Shaafi Math-hab the sighting of one region is not valid for all regions even if news of such sighting is transmitted reliably. The sighting of a region is valid for only nearby places (al-jahatil qureebah). "Nearby places" in this context has a specific meaning. According to some Shaafi authorities it refers to a radius of 24 Farsakh (72 miles). Other Shaafi authorities reject the restriction of 24 farsakh and explain "nearness" (qurb) in this context to refer to all regions which have the same sunrise/sunset times. Thus, according to the Shaafi Math-hab longitudinal differences are valid for the purpose of the hilaal confirmation. Messages of sightings, even if reliable, cannot be accepted from just any place as has become the practice among the followers of the Shaafi Math-hab in Cape Town.

THE SHAR'I REQUIREMENT OF ADL

In most cases as explained in this article, it is necessary for the reporters of sightings to be aadil or possessing the attribute of adl. We have translated the term aadil as uprighteous or pious. The following Shar'i definition gives a clearer understanding of the meaning of an aadil person:

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"One who is devoid of the perpetration of major sins and devoid of habitually committing minor

sins nor does he behave in an uncultured manner." (Mathaahibe Ar-ba'ah)

'Uncultured' in the context of adl refers to the commission of such acts which although not sinful, are nevertheless, regarded unbecoming of a Muslim. Examples of such acts considered uncultured in Islam are: walking habitually bare-headed in public; eating while walking as is the habit of non-Muslims; donning garments which are associated with people of low character, e.g. denims, jeans, etc. (In certain cases such garments are not even lawful for Muslims); etc.

A person who seems to be a pious person and whose true character is not known is termed *masturul haal* in the Shariah. The testimony of a *masturul haal* is valid and acceptable for the purpose of confirming the sighting of the hilaal. This is according to the Hanafi, Maaliki and Shaafi Math-hab. However, according to the Hambali Math-hab, the testimony of a *masturul haal* is not acceptable even for establishing the sighting of the hilaal.

THE DECISION OF THE TRANSVAAL JAMIATUL ULAMA

The foregoing brief explanation of the Shar'i rules and requirements regarding the sighting and confirmation of the hilaal or *Ramadhan* and *Eid* will enable the unbiased and the honest Muslim to better understand the Transvaal Jamiatul Ulama's decision to celebrate *Eidul Adha* on Sunday instead of Saturday as was the case in other parts of South Africa. Since the sighting of the hilaal for *Zil Hajj* was not confirmed in terms of Shar'i rules in so far as the Transvaal Ulama are concerned, they acted correctly in fixing Sunday as *Eidul Adha*. There are several factors which could have led to the rejection of messages of sightings emanating from Cape Town and elsewhere. These factors are:

- (1) Absence of the condition of *Tareeq-e-Moojib*, i.e. Reliable transmission of news--reliable in Shar'i terms.
- (2) Lack of adl in those transmitting the news.
- (3) Lack of adl in those Muslim leaders who accepted the reports of the sightings and made the announcement.
- (4) The Shaafi Ulama of Cape Town who are in charge of the Islamic affairs of the Muslim community of their area overstepped and violated the ruling of the Shaafi Math-hab in transmitting Cape Town's sighting with a view to its acceptance in Transvaal. It has already been explained that in terms of the Shaafi Math-hab the sighting of Cape Town is not valid for Transvaal.

Without casting aspersions on the intentions and sincerity of the Ulama in Cape Town, it must be observed that the Shar'i attribute of adl is lacking in them for a variety of reasons. The attribute of adl is eliminated by the following un-Islamic and haraam acts:

★ Deliberately transgressing the rulings of one's Math-habs. It is not lawful for *muqallideen*, be they Ulama, to ignore the rulings of their Math-hab without valid reason. If there is no dire need, it is not permissible to cast over-board the rulings of the Math-hab one is following.

★ Shaving the beard destroys adl.

★ Dressing in western kuffaar garb. The majority of the Ulama in Cape Town have accepted western garb to be their attire.

★ Transgressing the Shar'i laws of Hijaab. Hijaab or *Purdah* as required by Islam is frowned on by even the Ulama of the Cape.

★ Acceptance of pictures of animated objects, television, cinema, music, etc., to be lawful.

The above are some of the factors which eliminate the adl attribute of the Cape Town Ulama. These violations of the Shariah are so glaring (*zaahir*) that it has become impossible to classify the Cape Town Ulama in the category of even *Masturul Haal* which is the least classification essential for a sighter of the hilaal in most cases.

A man may be honest, pious in so far as acts of worship are concerned, sincere, generous, and an asset to the community, but, if he lacks Shar'i adl then his testimony is not valid in matters pertaining to *Shahaadat*. Such a person who is not *aadil* in Shar'i terms should not be effronted if his testimony is rejected by the Shariah.

Now that the matter of the hilaal has been clearly explained, readers will understand the correctness of the course adopted by the Transvaal Jamiatul Ulama. Those who wish to introduce ulterior motives and sinister intentions in the decision of the Transvaal Ulama are not the masters of the hearts of men. They do not know what is hidden in the hearts. It is for us to only issue rulings based on discernable facts. Allah Ta'ala knows the secrets of the hearts. He is the Knower of the internal and the external. And, Allah knows best.

FURTHER CLOUDING THE MOON ISSUE

The needless and destructive controversy which ignoramuses and modernists have initiated in regard to the hilaal of *Ramadhan* and *Shawaal* has been further rendered intractable by an article of Maulana Yusuf Karaan, a member of the Muslim Judicial Council of Cape Town. The article appeared in the May 1988 issue of the anti-

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Ulama and Sunnah are modernist school. Al-Qadeer of Durrani There is a necessity to explain Maulana Karaan's exercise so as to dispel the confusion and misunderstanding which his views have created. In his article of confusion, Maulana Karaan asks:

"Why is there in South Africa this confusion over the sighting of the new moon for Ramadan and the subsequent delay in some parts of the country regarding the beginning of Ramadan this year, and why was Eid ul Adha celebrated a day later last year? Can the Ulama not resolve this question amicably to avoid this confusion?"

In making these comments Maulana Karaan has played directly into the hands of the modernist juthaali. He has fallen into their trap of confusion. He has demonstrated his gross inability to understand the issue, the nature of the controversy, the causes and the motive—the pernicious motive—underlying the deliberate creation of the confusion surrounding the hilaal of Ramadhan and Shawwal. These comments coming from a man who is supposed to comprehend the issue is indeed surprising.

The statements of Maulana Karaan imply that the Ulama are responsible for the stupid controversies which the ignorant modernist create almost every year at the time of Ramadhan. While being a member of the Ulama Fraternity, Maulana Karaan it seems is seeking to establish for himself a modernist outlook, hence he has baselessly derided decisions of the Ulama—decisions which are based on solid Shar'i grounds. While he does not mention who the Ulama are against whom his criticism is directed, it is clear that his criticism is largely targeted for the Jamiatul Ulama of Transvaal. Maulana Karaan has indeed committed an act of grave injustice to the Deen by having written in support of the fallacious ideas of the modernist juthaali who have exhibited their hatred for the Ulama to the degree of cutting off their Imaani noses to spite their own faces.

Maulana Karaan is well aware of the fact that even during the age of the Sahaabah, Ramadhan and Eid at times commenced on different days in different places. Yet, such difference did not give rise to confusion and controversy which are the capital of modernists. In fact Maulana Karaan cites the Hadith in which appears the incident of Hadhrat Kuraib and the decision of Hadhrat Ibn Abbas to go by their own sighting of the hilaal and not to accept the sighting of Damascus a sighting which was reported most reliably and categorically by a person of high Deeni standing, viz., Hadhrat Kuraib. Without even attempting to explain the Hadith in question and without informing Muslims of the fact that the narration of Kuraib forms the Mustadal (the basis of the deduction) of the shaafi Fuqaha for their unanimous

view of the value of Ikhtilaaful Mataa' difference in longitudinal variation of horizons, Maulana Karaan has subtly attempted to minimize the importance of the Hadith and dismiss its importance in regard to the Shaaf'i Maah-rab. It is indeed astounding and highly improper for a Shaaf'i Aalim to minimize and dismiss a narration which is considered as the strong and authentic basis for a ruling of the Shaaf'i Fuqaha. In regard to the importance of the Hadith of Kuraib, the following appears in Al-Fataawai Kubra of Ibn Hajar Haitami:

"Verily, for every city is its ruling regarding risings and settings, e.g. the rising and setting of the sun, as Maawardi has said as well as others. This is categorically stated in Al-Kifaayati as well. . . . Thus, it is proper to relate the time of fasting with the risings of Fajr.

Imaam Azraee said: The Hadith of Kuraib is narrated by Muslim, Abu Dawood and Tirmizi. Kuffaali mentions it as well as those after him and rely on him. And, the practice according to the majority of Ulama is on it (the Hadith of Kuraib). It is correct and the proof is with it. It is the statement of the Fuqaha among the Taabi-een.

Imaam Usnawi states in Sharhul Minhaaj: 'There is no doubt that the specific Nass, viz., the Hadith of Kuraib, pertains to Shaam and Hijaaz. In it are to be found the factors of masaafatul qasr (the distance when Qasr Salaat has to be performed), ikhtilaaful aqleem (difference in regional zones), ikhtilaaful mataali' (difference of horizons), and the possibility of non-sighting (in regard to different places). Every group has adopted one of these (factors) and has taken its support from the Hadith of Kuraib.'

Imaam Azraee said: 'It (this view) is well-known by us (Shaafi's). The Jamhoor (i.e. the majority of the Shaaf'i Fuqaha) have authenticated that for every city is its (own) sighting. Raaf'i and Nawawi too have authenticated it. And, Allah Subhaanahu wa Ta'ala knows best. . . .'

Maulana Karaan should thus realize that as a Shaaf'i Aalim he is not entitled to dismiss such a strong basis as the Hadith of Kuraib which has always constituted the foundation--the Shar'i grounds--for the views which the Shaaf'i Fuqaha have expounded since the earliest time of Islam. Maulana Karaan's exercise has been to show

Ulama, anti-Sunnah and modernist tabloid, Al-Qalam of Durban. There is a need to reply to Maulana Karaan's article so as to dispel the confusion and misunderstanding which his views have created. In his article of confusion, Maulana Karaan asks:

"Why is there in South Africa this confusion over the sighting of the new moon for Ramadaan and the subsequent delay in some parts of the country regarding the beginning of Ramadaan this year, and why was Eid ul Adha celebrated a day later last year? Can the Ulama not resolve this question amicably to avoid this confusion?"

In making these comments Maulana Karaan has played directly into the hands of the modernist juhhaal. He has fallen into their trap of confusion. He has demonstrated his gross inability to understand the issue, the nature of the controversy, the causes and the motive--the pernicious motive--underlying the deliberate creation of the confusion surrounding the hilaal of Ramadhaan and Shawaal. These comments coming from a man who is supposed to comprehend the issue is indeed surprising.

The statements of Maulana Karaan imply that the Ulama are responsible for the stupid controversies which the ignorant modernist create almost every year at the time of Ramadhaan. While being a member of the Ulama Fraternity, Maulana Karaan it seems is seeking to establish for himself a modernist outlook, hence he has baselessly decried decisions of the Ulama--decisions which are based on solid Shar'i grounds. While he does not mention who the Ulama are against whom his criticism is directed, it is clear that his criticism is largely targetted for the Jamiatul Ulama of Transvaal. Maulana Karaan has indeed committed an act of grave injustice to the Deen by having written in support of the fallacious ideas of the modernist juhhaal who have exhibited their hatred for the Ulama to the degree of cutting off their Imaani noses to spite their own faces.

Maulana Karaan is well aware of the fact that even during the age of the Sahaabah, Ramadhaan and Eid at times commenced on different days in different places. Yet, such difference did not give rise to confusion and controversy which are the capital of modernists. In fact Maulana Karaan cites the Hadith in which appears the incident of Hadhrat Kuraib and the decision of Hadhrat Ibn Abbaas to go by their own sighting of the hilaal and not to accept the sighting of Damascus a sighting which was reported most reliably and categorically by a person of high Deeni standing, viz., Hadhrat Kuraib. Without even attempting to explain the Hadith in question and without informing Muslims of the fact that the narration of Kuraib forms the Mustadal (the basis of the deduction) of the shaafi Fuqaha for their unanimous

view of the validity of Ikhtilaaful Mataali' (difference in longitudinal location or horizons), Maulana Karaan has subtly attempted to minimize the importance of the Hadith and dismiss its importance in regard to the Shaaf'i Math-hab. It is indeed astounding and highly improper for a Shaaf'i Aalim to minimize and dismiss a narration which is considered as the strong and authentic basis for a ruling of the Shaaf'i Fuqaha. In regard to the importance of the Hadith of Kuraib, the following appears in Al-Fataawal Kubra of Ibn Hajar Haitami:

"... Verily, for every city is its ruling regarding risings and settings, e.g. the rising and setting of the sun, as Maawardi has said as well as others. This is categorically stated in Al-Kifayah as well. ... Thus, it is proper to relate the time of fasting with the risings of Fajr.

Imaam Azraee said: 'The Hadith of Kuraib is narrated by Muslim, Abu Dawood and Tirmizi. Kuffaal mentions it as well as those after him and rely on him. And, the practice according to the majority of Ulama is on it (the Hadith of Kuraib). It is correct and the proof is with it. It is the statement of the Fuqaha among the Taabi-een.'

Imaam Usnawi states in Sharhul Minhaaj: 'There is no doubt that the specific Nass, viz., the Hadith of Kuraib, pertains to Shaam and Hijaaz. In it are to be found the factors of masaafatul qasr (the distance when Qasr Salaat has to be performed), ikhtilaaful aqleem (difference in regional zones), ikhtilaaful mataali' (difference of horizons), and the possibility of non-sighting (in regard to different places). Every group has adopted one of these (factors) and has taken its support from the Hadith of Kuraib.'

Imaam Azraee said: 'It (this view) is well-known by us (Shaafi's). The Jamhoor (i.e. the majority of the Shaaf'i Fuqaha) have authenticated that for every city is its (own) sighting. Raaf'i and Nawawi too have authenticated it. And, Allah Subhaanahu wa Ta'ala knows best. ...'

Maulana Karaan should thus realize that as a Shaaf'i Aalim he is not entitled to dismiss such a strong basis as the Hadith of Kuraib which has always constituted the foundation--the Shar'i grounds--for the views which the Shaaf'i Fuqaha have expounded since the earliest time of Islam. Maulana Karaan's exercise has been to show

the insignificance of ikhtilaaful mataali' as far as Shaafis are concerned. But, the opposite is the truth. Ikhtilaaful mataali (difference of risings and settings) is of fundamental importance in the Shaaf'i Math-hab. In spite of the difference of opinion among the Shaaf'i Fuqaha regarding the interpretation of Ikhtilaaful Mataali', they are unanimous in the acceptance of the validity of this fact (Ikhtilaaful Mataali') for the purpose of sighting the hilaal. However, Maulana Karaan's article presents a picture which is entirely in conflict with the views expounded and the rulings decreed by the Shaaf'i Fuqaha.

In vindication of his opinion of the unimportance of the question of Ikhtilaaful Mataali', Maulana Karaan (a Shaaf'i Aalim) draws the support of the Hanafi Fuqaha and of such Muftis who are staunch followers of the Hanafi Math-hab. Yet, this is most unbecoming for one who is a follower of the Shaaf'i Math-hab. It is highly inappropriate for a Shaaf'i Aalim to attempt the negation of the authoritative rulings of the Shaaf'i Fuqaha by basing his case on the rulings of the Hanafi Math-hab. What is stated in Fataawa Darul Uloom and by Mufti Azeedur Rahman is evidence and grounds for the followers of the Hanafi Math-hab. Basing his opinion on the proofs of the Hanafi Math-hab, Maulana Karaan attempts to eliminate the Mustadal of the Shaaf'i Math-hab, viz., the Hadith of Kuraib, by saying:

"This Hadith (i.e. the Hadith of Kuraib) has made some Ulama form the opinion that every town or land must see its own moon."

Maulana Karaan obviously sees in this ruling which he attributes to "some Ulama", confusion. Hence, he says:

"The confusion will be eliminated almost completely if agreement is reached that a reliable, authentic sighting of the moon anywhere in a country (or anywhere else) is sufficient for all the Muslims of a country (or the world)."

What are Maulana Karaan's grounds for averring that the opinion of every town having its own sighting is merely the view of "some" Ulama? It is indeed very surprising that Maulana Karaan whom the Al-Qalam describes as a senior member of the Muslim Judicial Council's Fatwa Committee, is unaware of the fact that the opinion, Inna likulli baladin ru'yatohum (For every city is its--own--sighting) is the official ruling of the shaaf'i Math-hab. It is the view which the Jamhoor Shaaf'i Fuqaha adhere to. It is the view expounded by all the leading authorities of the Shaaf'i Math-hab. How can Maulana Karaan dismiss this official ruling of his Math-hab by attributing it to "some" Ulama? Fataawal Kubra of Ibn Hajar Haitami records in regard to the pivotal importance of the Hadith of Kuraib:

"Imaam Azraee said: 'It is well-known by us

(Shaaf'is). The Jamhoor has authenticated that for every city is its sighting. Raaf'i and Nawawi also have authenticated it."

Elaborating on this view, Ibn Hajar Haitami says in his Fataawa Kubra:

"The summary of the discussion in this regard is that the consideration will be on the basis of unity and difference of mataali (horizons) and not masaaatul qasr (distance which brings about Salaatul Qasr)."

In Minhaajut Taalibeen, the leading Shaaf'i authority, Imaam Nawawi says:

"... It has been said (that the criterion is) Ikhtilaaful Mataali. I (i.e. Nawawi) say that this is the most authentic and Allah knows best."

In Sharhul Muslim, Imaam Nawawi under the heading: "Verily, for every city is its sighting; verily, when they sight the hilaal in a city its ruling is not applicable to far off places", states:

"In this regard is the Hadith of Kuraib. . . . The correct version according to our (Shaafi) authorities is that a sighting does not apply to all people, but is restricted with those nearby at a distance where Qasr Salaat does not apply"

From the authentic Fiqh books of the Shaaf'i Math-hab it is abundantly clear that the opinion: For every city its own sighting, is not the view of "some" Ulama as Maulana Karaan wishes us to believe. The truth is that the opposite view is the opinion of some Ulama. Thus, Imaam Nawawi states in his Sharhul Muslim:

"Some of our Ashaab say that a sighting in one place embraces the people of the whole world."

Thus, the view which Maulana Karaan has sought to attribute to "some" Ulama is in fact the ruling of the Jamhoor Shaaf'i Fuqaha. It is therefore inaccurate for Maulana Karaan to aver that the Hadith of Kuraib has constrained "some Ulama to form the opinion that every town or land must see its own moon." This assertion is rejected by the Jamhoor Shaaf'i Fuqaha.

Confusing the issue further in regard to the Shaaf'i Math-hab, Maulana Karaan states:

"Imam Nawawi quotes Imam Malik and Abu Hanifa as holding the views that "If the people of a town see the moon, it becomes wajib on all the people. . ."

Commenting further, Maulana Karaan says:

"All are agreed that should the moon be authentically sighted anywhere, it becomes wajib on that town and towns nearby."

While Imaam Nawawi cites the views of various authorities, it does not follow that he subscribes to all such views. Imaam Nawawi is among the leading Shaaf'i authorities and his view as a Shaaf'i is well-known. It behoves Maulana Karaan to present to Shaaf'is what Imaam Nawawi's opinion is on the matter of the sighting of the hilaal. By presenting the rulings of Imaam Maalik and Imaam Abu Hanifah as narrated by Imaam Nawawi, we are inclined to believe that Maulana Karaan has made a subtle attempt to make it appear to Shaaf'is that Imaam Nawawi himself also aligns himself with the views of the Maaliki and Hanafi Math-hab on this question. But the impression which Maulana Karaan attempts to establish is not correct. Let us now see what Imaam Nawawi says in this regard.

In Minhaajut Taalibeen, Imaam Nawawi states:

"When the hilaal is sighted in a city, its ruling will be incumbent on a nearby city, not on a far off city according to the most authentic version. And, the distance of far-off (places) is masaa-fatul qasr. And, it has been said that (masaafatul ba-eed or distance of far-off places) is (determined) by means of Ikhtilaaful mataali' I say: This (version of ikhtilaaful mataali') is most authentic. Allah knows best."

In Fataawa Ramli the following appears:

"And Nawawi also has preferred it (i.e. the means of masaafatul qasr) in Sharhul Muslim."

Imaam Nawawi, himself states in his Sharhul Muslim:

"The authentic version according to our Ashaab is that a sighting (in one place) does not embrace all people, but is restricted to those nearby at the distance where Salaat is not made qasr."

In Raudhatut Taalibeen, Imaam Nawawi says:

"When the hilaal of Ramadhaan is sighted in a city and it is not sighted in another (city), then if the two cities are close by, the ruling for both will be as if they are one city. And, if they are far apart, then there are two views. Of the two views the most authentic is that the saum (fasting) does not become incumbent on the people

of the other city (where the hilaal was not cited)."

The following appears in Al-Qalyubi:

"When the hilaal is cited in a city its hukm (i.e. the effect of the sighting) will be incumbent on a nearby city, not on a far-off city. This is according to the most authentic view."

We are in full agreement with Maulana Karaan in his contention that according to the Jamhoor Hanafi Fuqaha, Ikhtilaaful Mataali' is of no substance. The only requirement being the reliable and authentic transmission and receipt of the information of the sighting. However, in his attempt to uphold the modernist case he renders a great disservice to the Shaaf'i Fuqaha and in the process he denies the validity of the Shaaf'i case by endeavouring to convey the impression that even the Shaaf'i Math-hab entertains reliably the view of the validity of a sighting for the whole world. But, he has miserably failed to substantiate his contentions on the basis of Shaaf'i proofs, hence he is constrained to rely heavily on the views and rulings of Hanafi Fuqaha and Hanafi Muftis.

Again in an attempt to negate the Shaaf'i case, Maulana Karaan (a Shaaf'i Aalim) states:

"It is said that Shafis are the most conservative, allowing evidence and declarations of sighting to be accepted from areas nearby and in the same matla (horizon, sky. . .). Some, like Ghazaali, are of the opinion that sighting of the moon will only be acceptable with the radius of the masaafatul-qasr (distance which allows for the halving of prayers) which is 80kms and some say not further than 24 furlongs. No doubt, this does appear in Shafi books, but I doubt if anywhere in the Shafi world a fatwa is given on this opinion, or where this view is held slavishly and stubbornly. In fact among the Shafi elders, there are views as wide as that of the Hanafis."

Maulana Karaan's doubts are devoid of substance in so far as the Shariah is concerned. Fatwa on Deeni matters are not formulated on the basis of anyone's doubts and figments of opinion. Assuming the correctness of his doubts that no where in the world of today among Shaaf'is is the view of Ghazaali or the other Aimmah among the Shaafis upheld or accepted, it will make absolutely no difference to the authentic rulings and opinions which the Shaaf'i Math-hab has propounded on the basis of the Qur'aan and Hadith. Shaaf'is are

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bound by the Shariah to act in accordance with the rulings of their Math-hab even if Maulana Karaan's doubts transpire to be factual in today's Shaaf'i world where people may be Shaaf'i merely in name or merely by birth. A man of sound Deeni Knowledge does not present a case on such flimsy grounds as Maulana Karaan has ventured. It is indeed shocking for a senior member of a Fatwa Committee to dismiss the view of such an illustrious Shar'i personality as Imaam Ghazaali merely on the basis of his personal doubts pertaining to masses of laymen and slack muqallid Aalims of these times of Deeni indifference. Let us proceed to constructively assess the value and authenticity of Imaam Ghazaali's view in terms of the Shaaf'i Math-hab.

Imaam Nawawi states in Raudhatut Taalibeen:

"At-Tabaa-ud (i.e. the distance at which the sighting of one place will not be valid for another) is Masaafatul Qasr. This is the view categorically adopted by Imaamul Haramain, Ghazaali and Saahibut Tahzeeb. And, the Imaam has claimed unanimity on this view."

Imaam Nawawi has presented two different views. On one occasion he adopted one view while on another occasion he preferred the other view. In Minhaajut Taalibeen he accepts the view of Ikhtilaaful Mataali, hence he rules:

"It has been said (that distance is determined) by means of Ikhtilaaful Mataali'. I say: This is the most authentic view and Allah knows best."

He maintains the same view in Raudhatut Taalibeen. However, in his Sharhul Muslim, Imaam Nawawi states:

"... But it (the sighting of one place) is confined to those nearby at such a distance which does not admit the Salaat being made qasr (shortened to two raka'ts)."

In Fataawa Ramli it is said:

"Raaf'i has preferred the view of the adoption of Masaafatul Qasr since the shariah has hinged numerous laws on it. Nawawi too has preferred it (Masaafatul Qasr) in Sharhul Muslim."

"... Shaikh Taajuddin Tabrezi (rahimahullahu) has written that difference of horizons does not occur under 24 farsakh. Thus, the view of Nawawi (rahimahullahu) refers to this. And, it is the reliable (view)."

In Fataawa Kubra of Ibn Hajar Haitami it appears:

"Shaikh Taajuddin Tabrezi said: The sighting of the hilaal in a city becomes obligatory (for others) to a distance of 24 farsakh."

Qalyubi states:

"The distance of ba-eed (far-off places) is Masaafatul Qasr."

Mathaahibul Arba'ah states the Shaaf'i viewpoint as follows:

"When the sighting of the hilaal has been established in one place it becomes obligatory on people nearby from every side to fast on the basis of this established (sighting). Proximity (nearness) is obtained by unity of matla' (horizon), i.e. the distance between the two places should be less than 24 farsakh. Regarding the people in far-off places, fasting is not obligatory on them by virtue of this sighting because of ikhtilaaful matla'."

From these authentic and highly-placed Shaaf'i references it should be abundantly clear that view of Masaafatul Qasr (the distance which permits Qasr Salaat) is an authoritative view of the Shaaf'i Math-hab. It is not an isolated view of some non-entities as Maulana Yusuf Karaan's paper seeks to convey. Followers of the Shaaf'i Math-hab, therefore, cannot treat this view of Masaafatul Qasr lightly and baselessly negate its importance.

The rulings of the Shariah are not influenced by conservatism, hence there is nothing conservative about the Shaaf'i viewpoint pertaining to Masaafatul Qasr. Maulana Karaan should know that rulings and views of the Aimmah-e-Mujtahideen are based on Shar'i Dalaa-il (Proofs) of the Qur'aan and Ahadith. Such rulings may appear as 'conservative' to the slaves of modern liberalism.

The Shaafi elders who entertain views "as wide as that of the Hanafis" regarding the sighting of the moon represent a negligible section of the Shaaf'i Fuqaha, hence Imaam Nawawi avers: "Some of our Ashaab said". The two prominent and authoritative interpretations of 'At-taba'ud' (far-off distance where the sighting of another place will not be valid in terms of the Shaaf'i Math-hab) are:

- (1) Masaafatul Qasr
- (2) Ikhtilaaful Mataali'.

According to the Jamhoor Shaaf'i Fuqaha there exists unanimity on the view that the sighting of one place is not valid for another place situated 'far away'. In the interpretation of 'far away' there exists the aforementioned difference of opinion. This difference is stated in Qalyubi as follows:

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"The distance of ba-eed (far-off) is Masaafatul Qasr and it has been said that ba-eed is with difference in Mataali'."

The factor of Ikhtilaaful Mataali' is so significant in the Shaaf'i Math-hab that even a doubt in the unity of horizons will not render the sighting of a place incumbent on another place where this doubt exists. Fataawa Ramli states:

"If there is a doubt in ikhtilaaful mataali', fasting will not be obligatory on those who did not see the hilaal."

Nawawi says in Raudhatut Taalibeen:

"If there is a doubt regarding the unity of Mataali', fasting is not obligatory on those who did not see (the hilaal)."

No matter from which angle one views the Shaaf'i viewpoint regarding the sighting of the hilaal, the factor of Ikhtilaaful Mataali' is a valid, authentic and official ruling of the Shaaf'i Fuqaha. It cannot be wished away nor can it be argued away by baseless interpretations. Followers of the Shaaf'i Math-hab should not be induced by their Ulama to deviate from the set course of the Shaaf'i Math-hab. Maulana Karaan, in his paper, has argued in circles, jumping from one point to another without answering the differences in the Shaaf'i Math-hab and without tendering satisfactory arguments for his attempt to negate the Shaaf'i Math-hab's long-standing viewpoint on the question of Ikhtilaaful Mataali'. Besides drawing heavily from the arguments and rulings of the Hanafi Math-hab, he has failed to justify his stand on the basis of the Shaaf'i Math-hab. He has only succeeded in further clouding the moon issue by rendering his disservice to the Math-hab of which he is supposed to be a follower.

In his painful attempt to force a single sighting upon the entire country in violation of his Math-hab (Shaaf'i Math-hab), Maulana Karaan has endeavoured to seek support from the following two views of the Shaaf'i Fuqaha:

- (1) A sighting in the east is valid for a place in the west.
- (2) Sightings at places where unity of matla' (horizon) exists are valid for all places of the same horizon.

On the basis of these two views as well as on the strength of the Hanafi rulings, Maulana Karaan arrives at the following conclusion:

"Thus, in conclusion, if a reliable sighting is authentically established, there should be no reason for refusing to accept the verdict of any body of the Ulama or Qazi through differences of interpretation by mazhabs."

Indeed, in this conclusion, Maulana Karaan has rendered a great act of injustice to Deeni Knowledge and to the Shariah. Firstly, he entirely overlooks the categoric Shaaf'i ruling that a sighting in the

west is not valid for the east. There is no difference of opinion among the Shaaf'i Fuqaha in this regard. Thus, in terms of the unanimous ruling of the Shaaf'i Math-hab the sighting of Cape Town is not valid for Johannesburg, Durban, Port Elizabeth--in short, for all places east of Cape Town. The statements of Subki and Usnawi (both Shaaf'i Fuqaha) cited by Maulana Karaan make explicit reference to this fact.

Secondly, the factor of Ittihaadul Mataali' (unity of horizons) between Cape Town and Johannesburg or Cape Town and Durban or Cape Town and Port Elizabeth, etc., is non-existent. Since the unanimous Shaaf'i view of the validity of Ikhtilaaful Mataali' prevails in relation to these cities, Maulana Karaan has opined wrongly in his conclusion for the validity of the sighting of a single place inspite of the existence of Ikhtilaaful Mataali'.

Thirdly, there is no Shar'i incumbency on a group of Ulama to submit to another group of muqallideen Ulama or Ulama who have donned the mantle of admud taqleed. Since Maulana Karaan's criticism is patently directed against the Jamiatul Ulama of Transvaal we shall inform Maulana Karaan that the Jamiatul Ulama of Transvaal is under no obligation to accept the information conveyed to it by the M.J.C. of Cape Town or for that matter by any other body of Ulama.

Fourthly, Maulana Karaan cannot be ignorant of the fact that the disease of Admud Taqleed has taken a firm grip of the M.J.C. Ulama and it seems as if Maulana Karaan too has become a victim of this malady and baneful practice of free-lancing in Deeni matters. How then can Maulana Karaan expect the views of the M.J.C. to be binding on other Ulama who disagree with such views of liberals?

Fifthly, some Ulama notwithstanding the fact that they happen to be the Deeni leaders in their communities, are guilty of committing acts of fisq. They violate the Shariah and transgress the Laws of Allah Ta'ala in public. They mislead their followers by presenting utterly baseless interpretations to suit their fancies and to give prominence to their wishful thinking. Information emanating from such sources, be they Ulama, cannot be considered reliable in Shar'i terms.

Sixthly, in his conclusion Maulana Karaan implies that the interpretations of the Mathaa-hib be dismissed. Yet, he naively expects his own interpretations to be accepted as Shar'i Daleel. This puerile attitude is Islamically absurd, to say the least. Indeed, it is highly conceited to propagate the dismissal of the rulings and interpretations of the Mathaa-hib which constitute the Ahlus Sunnah Wal Jama' and in their place advocate one's private interpretations which have absolutely no standing in the Shariah on account of the lack of Shar'i basis.

Shaaf'i Ulama who attempt to force the sighting of Cape Town on places situated towards the east of Cape Town are plodding the

The factor of Ikhtilaaful Mataali' is so significant in the Shaaf'i Math-hab that even a doubt in the unity of horizons will not render the sighting of a place incumbent on another place where this doubt exists. Fataawa Ramli states:

"If there is a doubt in ikhtilaaful mataali', fasting will not be obligatory on those who did not see the hilaal."

Nawawi says in Raudhatut Taalibeen:

"If there is a doubt regarding the unity of Mataali', fasting is not obligatory on those who did not see (the hilaal)."

No matter from which angle one views the Shaaf'i viewpoint regarding the sighting of the hilaal, the factor of Ikhtilaaful Mataali' is a valid, authentic and official ruling of the Shaaf'i Fuqaha. It cannot be wished away nor can it be argued away by baseless interpretations. Followers of the Shaaf'i Math-hab should not be induced by their Ulama to deviate from the set course of the Shaaf'i Math-hab. Maulana Karaan, in his paper, has argued in circles, jumping from one point to another without answering the differences in the Shaaf'i Math-hab and without tendering satisfactory arguments for his attempt to negate the Shaaf'i Math-hab's long-standing viewpoint on the question of Ikhtilaaful Mataali'. Besides drawing heavily from the arguments and rulings of the Hanafi Math-hab, he has failed to justify his stand on the basis of the Shaaf'i Math-hab. He has only succeeded in further clouding the moon issue by rendering his disservice to the Math-hab of which he is supposed to be a follower.

In his painful attempt to force a single sighting upon the entire country in violation of his Math-hab (Shaaf'i Math-hab), Maulana Karaan has endeavoured to seek support from the following two views of the Shaaf'i Fuqaha:

- (1) A sighting in the east is valid for a place in the west.
- (2) Sightings at places where unity of matla' (horizon) exists are valid for all places of the same horizon.

On the basis of these two views as well as on the strength of the Hanafi rulings, Maulana Karaan arrives at the following conclusion:

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Shaaf'i Ulama who attempt to force the sighting of Cape Town on places situated towards the east of Cape Town are plodding the

path of baatil by acting in conflict with their Math-hab for no valid reason.

Maulana Karaan citing Ibn Hajar Haitami, states:

"Ibn Hajar Haitami on being asked whether it is necessary for the Muslim ruler to make an effort to acquire news about the sighting of the new moon from near or afar, says that it is not wajib but mandoob (advisable, preferable) to do so (Fataawal Kubra, Vol. 2, page 61).

The actual statement of Ibn Hajar Haitami as it appears on page 61 of Al-Fataawal Kubra is as follows:

"..... Irsaal here (i.e. for the ruler to send someone to enquire about the sighting of the hilaal) most definitely its acquisition is not obligatory whether the distance is nearby or far-off. Yes, if it is said that it (irsaal) is advisable (mandoob) for him (the ruler), then it (this statement) will not be far-fetched because in it is a precaution (ihtiyaat) for Saum (fasting), and it (i.e. the precaution) is that when fasting is not Waajib it is mandoob."

By viewing the above statement of Haitami in conjunction with his other views and rulings, the following facts transpire:

★ Ibn Hajar Haitami does not aver that it is "mandoob" for the ruler to send someone or to make effort to obtain news of the hilaal from various places.

★ Ibn Hajar Haitami has merely said that "if this action is asserted to be advisable, then it will not be far-fetched". In other words, there is scope for it being advisable although he, himself has not ruled it to be Mandoob.

★ Ibn Hajar Haitami's entire argument preceding the 'mandoob' assumption centres around the question of the incumbency to make enquiries regarding the sighting of the hilaal from other centres. He builds up his argument to negate the notion of incumbency. He thus, emphasises that it is not obligatory to make such enquiries even from nearby places.

Maulana Karaan has therefore formed an erroneous conclusion by implying a necessary need to institute such enquiries far and wide. While he concedes the factor of 'mandoob', he seeks to imply compulsion on this basis. Assuming the validity of the mandoob claim to be correct Maulana Karaan has no authority to endeavour to impose a mandoob act on anyone. In fact, the thrust of his article is to mete out punishment for those who do not subscribe to the 'man-

doob' act or to the act of making enquiries which he regards as 'mandoob'. Those who do not wish to follow his call of 'mandoob' cannot be castigated since they are entirely within their Shar'i rights for ignoring such enquiries.

★ The obtainal of news and information from other centres with a view to establishing the beginning or ending of Ramadhaan will necessarily be within the confines of the conditions of Ikhtilaaful Mataali' or Masaafatul Qasr as laid down by the

Fuqaha. In fact, on page 60 of Al-Fataawal Kubra, in the discussion on 'Irsaal' (mentioned by Maulana Karaan), Ibn Hajar Haitami makes explicit reference to the factor of 'Mataali'.

★ The factor of East-West sightings will also have to be considered in the acceptance of any reliable information of a sighting obtained from another area.

Whatever we have stated above, is in accordance with the Shaaf'i Math-hab. As far as the Hanafi Math-hab is concerned, the Jamhoor Hanafi Fuqaha do not consider Ikhtilaaful Mataali' or Masaafatul Qasr as valid factors in the acceptance of sighting reports which are obtained from other centres. However, since Maulana Karaan is a Shaaf'i, he is not entitled to deviate from the rulings of the shaaf'i Math-hab.

Another important factor in this regard is that the Muslim ruler has authority over the whole land. The entire land falls under his jurisdiction. The Shariah grants him some leeway even in the matter of enforcing a single sighting on the entire land. Since this is a hypothetical supposition in relation to Muslims in South Africa, we shall not delve further in this matter. It will suffice to say that neither the M.J.C. nor any of the other Ulama bodies is in the capacity of the Muslim ruler. None of the Ulama bodies in this country possesses the coercive authority to compel acceptance of their decisions. The argument of the Muslim ruler in regard to our sightings here is, therefore, devoid of substance and superfluous.

Defending the modernist call, Maulana Karaan avers:

"Being not wajib leaves it still permissible and not forbidden."

The institution of measures to obtain information about hilaal-sightings from other centres is undoubtedly not waajib. Its permissibility in terms of the Shaaf'i Math-hab is not general. Such permissibility is restricted by the conditions of Ikhtilaaful Mataali' (according to some, Masaafatul Qasr) and the factor of east and west. Thus, Maulana Karaan's statement:

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In rounding off his arguments, Maulana Karaan says:

"Ramadaan can and should be commenced together all over the country and Eid similarly celebrated."

If Shar'i conditions are fulfilled and Ramadhaan commences on the same day throughout the country and Eid celebrated on the same day, well and good. There is no conspiracy to impede such developments. However, there is no Shar'i incumbency for the celebration of Eid on the same day throughout the country. The Shariah has not imposed any such law on the Ummah. The commencement of Ramadhaan on the same day in every place is not commanded by the Shariah. On the contrary, the authentic Ahadith unequivocally reveal that even during the time of the Sahaabah, Ramadhaan and Eid were on different days in different places. And, this inspite of reliable and authentic sightings and reports. Yet there were no controversies on the moon issue. The whole controversy is the result of the pernicious machinations and evil attitudes of modernist juhhaal--anti-Sunnah elements--in whose snare Maulana Karaan has allowed himself to be entrapped.

SUMMARY

In regard to the acceptance of hilaal-sightings from other centres, the following three conditions are stipulated by the Shaaf'i Fuqaha:

- (1) Ikhtilaaful Mataali' or difference in the risings and settings of the sun and stars should not exist. In other words, the horizons of the places should be the same. This means that the places must be located on the same lines of longitude.
- (2) Masaafatul Qasr should not apply. In other words, the place from where the news of the sighting emanates should not be at a distance which according to the Shaaf'i Math-hab permits Qasr Salaat. There exists difference of opinion on this condition among the Shaaf'i Fuqaha.

- (3) East-West sightings, i.e. the news of a reliable sighting is acceptable to places lying west of the place where the hilaal was sighted.

On the basis of these essential conditions stipulated by the Shaaf'i Math-hab it will not be permissible for Shaaf'is west of Cape Town beyond the Masaafatul Qasr limit to accept the sighting of Cape Town. Thus, Worcester, for example, cannot commence Ramadhaan nor celebrate Eid on the strength of a Cape Town sighting if the hilaal was not sighted in Worcester itself. On the other hand, Worcester can accept the sightings of Port Elizabeth, Durban and Johannesburg and so can Cape Town, if the news is transmitted reliably.

Hanafis on the other hand, are permitted to accept reliable news of sightings from anywhere, whether east, west, north or south. However, the news must be conveyed by Tareeq-e-Moojib (in a way which the Shariah considers reliable). In this matter, every centre is within its rights to decide the reliability and authenticity of the information of sightings which are reported. One centre cannot compel its decision on another centre. Every Ulama body is free to accept or reject news of sightings which reaches them. It is, however, obvious that only Shar'i factors should influence either acceptance or rejection of the news.

There is absolutely no need for controversy or ill-feeling if Cape Town has Eid on one day and Johannesburg on another or Cape Town on one day and Worcester on another day. Such occurrences in the Muslim world have never been rare and did not give rise to the type of silly and stupid controversies which modernists, anti-Sunnah elements create in our time.

CONFIRMING THE SIGHTING OF THE RAMADHAN HILAAL

According to the Shariah the month of Ramadhaan as is the case with all the Islamic months, will commence once the *rooyah* (sighting) of the hilaal is confirmed. The Shariah has decreed different ways for the acquisition of this confirmation.

WHEN THE SKIES ARE CLEAR:

When the sky is clear, the sighting of a large number of persons is imperative for the confirmation of the hilaal. The large number is called *Jamm-e-ghafeer*. When the sky is clear the report or evidence of one or two persons will not be adequate for the confirmation of the sighting. In this regard the books of Islamic jurisprudence (Fiqh) state:

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"Thus, if the sky is clear and one person testifies regarding the sighting of the hilaal, his shahaadat (testimony) will not be accepted as long as such a group by whose testimony the Qaadhi can obtain certitude does not testify."

(Badaai-us Sanaa' -- Vol. 2, Page 80)

"According to Al-Fataawaz Zaheeriyah if the sky is clear the testimony of one person is not acceptable in terms of the prominent narration. But, a number is conditional."

(Bahrur Raa-iq, Vol. 2, Page 269)

"In Al-Fataawal Wululjiah it is said that the testimony of one person will not be acceptable."

(Bahrur Raa-iq, Vol 2, Page 269)

"According to Imam Abu Yusuf testimony will not be accepted as long as a large group does not testify in this matter (of the sighting of the hilaal)."

(Bahrur Raa-iq, Vol 2, Page 269)

"In Tatarkhaaniyah it is said that the testimony of one person is not acceptable in Zaahirur Riwaayah (the prominent view). . . ."

(Manhatul khaaliq)

"When the sky is not overcast then the testimony of one or two persons will not be accepted as long as the matter (of the sighting) does not become widely prevalent and obvious." (i.e. there has to be numerous reports of sighting.)

(Mabsoot--Imam Sarkhasi, Vol 2, Page 140)

From the abovementioned references as well as from numerous others appearing in the authentic books of the shariah it will be abundantly clear that when the sky is clear the requirement of the Shariah is a large group (Jamm-e-Ghafeer) for confirming the sighting of the hilaal.

In juristic matters there is bound to be differences of opinion and interpretation. There is no sphere of human life in which there is total unanimity on an issue. In matters of the Shariah, Ikhtilaafaat (differences) are by Divine Decree, hence Rasulullah (sallallahu alayhi wasallam) said:

"The ikhtilaaf (difference) of my Ummah is a Rahmat (blessing)."

Provided that the differences of opinion and interpretation are based on the principles of the Shariah and not personal desire and fancy,

these will not be criticized. Their authenticity will be accepted. However, it is not Islamically lawful for all and sundry to pick and choose opinions out of the Law Books of the Shariah and act accordingly. Differences will be found on most issues and Deeni Masaa-il. Acceptance and rejection of verdicts (Fataawa) are governed by the principles and conditions of the Shariah. Only fully qualified Ulama of high standing are in position to operate in this sphere of the Shariah.

Bearing the above in mind, the relatively obscure, but authentic versions on the hilaal issue, opined by some Fuqaha (Jurists) should not come as a surprise to anyone. There are certain opinions--authentic opinions--which differ with the *Jamm-e-Ghafeer* version. For instance, according to Imaam Abu Hanifah (rahmatullah alayh), even when the sky is clear the testimony of a single person--a single Aadil (pious, uprighteous) person--will be acceptable for confirming the sighting of the hilaal Ramadhaan. But, the Jamhoor Fuqahaa (the overwhelming majority of the Jurists of Islam) since the earliest times of Islam have opined contrary to this opinion of Imaam Abu Hanifah. For the past fourteen hundred years the version presented by Imaam Abu Hanifah (rahmatullah alayh) regarding the Ramadhaan hilaal when the sky is clear has remained an obscure ruling which never gained any prominence or acceptance in the Ummah.

It will be a gross error and the dictate of misguided personal opinion for unqualified persons in this belated age to ignore the ruling of the Jamhoor Fuqaha--the ruling on which the Ummah acted these past fourteen centuries--and attempt to introduce the view of Imaam Abu Hanifah on this particular issue of the hilaal. There is absolutely no Shar'i need to depart from the accepted, reliable and authoritative ruling of the Jamhoor Fuqaha which has governed the issue of the hilaal for so many centuries.

In certain misguided quarters an attempt is being made to confuse the minds of unwary persons by claiming that the Ulama of this age are adopting the view which conflicts with Imaam Abu Hanifah's ruling merely because it suits their fancies. This claim is a blatant and a dark lie. The *Jamm-e-Ghafeer* ruling which the Ulama-e-Haqq of this age are adhering to is not their personal choice. This view (i.e. pertaining to Jamm-e-Ghafeer) is the prominent and the most authoritative ruling which has governed the hilaal issue since the beginning of Islam's history. It is the ruling of the Jamhoor Fuqaha and any divergence from this official ruling of the Shariah under present circumstances will be *Dhalaal* (deviation) and abandonment of the Law of Allah Ta'ala. An obscure view can come into operation under exceptional circumstances, i.e. when Shar'i expediency occasions such a demand. But, under prevailing circumstances and conditions, divergence from the ruling of the Jamhoor Fuqaha is not permissible.

WHEN THE SKIES ARE OVERCAST

The Shariah's ruling differs when the sky is overcast. On such occasions the report of even one pious and uprighteous (aadil) person will suffice to confirm the sighting of the hilaal of Ramadhaan. The Books of the Shariah state in this regard:

"According to Imaam Abu Hanifah the testimony of one aadil person will be acceptable in the matter of the Ramadhaan hilaal."

(Badaaius Sanaa')

"If the sky is overcast, the testimony of one aadil, adult Muslim, male or female will be accepted in the Ramadhaan hilaal."

(Fataawa Alamghiri)

"When one person testifies to the sighting of the hilaal of Ramadhaan and the sky is overcast, his testimony will be accepted if he is aadil."

(Mabsoot of Sarkhasi, Vol. 2, Page 139)

"The report of one person is sufficient (in the matter of the Ramadhaan hilaal) when the sky is overcast. This is the correct version according to the narration of Hasan on the authority of Abu Hanifah. They would fast on the strength of the report of a single person."

(Mabsoot of Sarkhasi, Vol. 2, Page 139)

It should therefore be clear that for the confirmation of the Ramadhaan hilaal when the skies are overcast, the report of one Muslim will suffice. But, it is necessary that the person reporting the sighting, i.e. his or her own sighting, should be uprighteous and reliable, i.e. an *aadil*. The meaning of aadil in this context will, Insha' Allah, be explained later.

CONFIRMING THE SIGHTING OF THE EID HILAAL

Eidul Fitr is on the 1st Shawaal. The rules necessary for confirming the Shawaal hilaal are also applicable to the Zil-Hajj hilaal, the 10th Zil-Hajj being Eidul Adha. The conditions are stricter for the confirmation of the Eid hilaal.

WHEN THE SKIES ARE CLEAR:

The hilaal of Shawaal is confirmed by the Shahaadat (testimony) of the sighting of a large group of people (Jamm-e-Ghafeer). The

testimony of one or two persons is not valid for confirming the sighting of the Shawaal hilaal. In this regard the Books of the Shariah state:

"Regarding the hilaal of Shawaal, if the sky is clear only the testimony of such a group by which the Qaadhi acquires certitude will be accepted just as it is with the Ramadhaan hilaal (when the sky is clear).

(Badaaius Sanaa', Page 81, Vol. 2)

"If the sky is clear only the report of a jamaa't (group) will be accepted as is the case with the hilaal of Ramadhaan. So is it stated in Khazaanatul Mufteen and in Al-Kaafi."

(Fataawa Alamghiri, page 198, Vol 1)

"When the sky is not overcast, testimony shall not be accepted unless the matter becomes widespread (i.e. copious reports of sightings pour in)."

(Mabsoot of Sarkhasi, page 140, Vol. 2)

"When there is no cloud the condition (for confirming the sighting) in both Fasting (Ramadhaan) and Fitr (Shawaal) is a large group (jammun azeemun)."

(Sharhun Niqaayah, page 171, Vol. 1)

These references as well as numerous others clarify the Shar'i stand regarding the sighting of the hilaal for Eid. When the sky is clear the testimony (shahaadat) of a large group is essential. On occasions when the sky is clear the reports and testimony of one, two or three persons--of a small group--are not acceptable in a large region.

WHEN THE SKIES ARE OVERCAST:

When the sky is overcast the Shawaal hilaal (for Eid) will be confirmed by the sighting of two aadil (uprighteous) men or one man and two women. The Books of the Shariah state in this regard:

"If the sky is overcast only the shahaadat of two men or one man and two women is acceptable. They have to be Muslims, free, sane, adults and should not be persons who had been punished for having slandered others."

(Badaaius Sanaa', page 81, Vol. 2)

"Not punished for having slandered" in this context means the slander of fornication levelled against an innocent woman. The punishment of 80 lashes is prescribed by the Shariah for a person who accuses a woman of fornication and then fails to produce four *aadil*

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"If the sky is overcast only the shahaadat of two men or one man and two women is acceptable. They have to be Muslims, free, sane, adults and should not be persons who had been punished for having slandered others."

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"Not punished for having slandered" in this context means the slander of fornication levelled against an innocent woman. The punishment of 80 lashes is prescribed by the Shariah for a person who accuses a woman of fornication and then fails to produce four *aadil*

(pious, reliable and uprighteous) witnesses to testify to the commission of fornication by the accused. The slanderer who is thus punished is described as *Mahdood fil Qazf*. The testimony of such a person even if he has repented is not acceptable.

"If the sky is overcast only the testimony of two men or one man and two women is acceptable (for confirming the sighting of the Shawaal hilaal.) In the matter of the Shawaal hilaal the word Shahaadat is conditional. So is it stated in Khazaanatul Mufteen."

(Fataawa Alamghiri, page 198, Vol. 1)

"When the sky is overcast, only the testimony of two men or one man and two women is acceptable in the hilaal of Fitr."

(Hidaayah, page 196, Vol. 1)

"Regarding Fitr (i.e. the Shawaal hilaal for Eidul Fitr), only the testimony of two men will be accepted if the sky is overcast."

(Mabsoot of Sarkhasi, Vol. 2, Page 139)

The Shariah thus makes it clear that when weather conditions do not make the visibility of the hilaal possible in general, then the sighting will be confirmed by the shahaadat of either two aadil Muslim males or one aadil Muslim man and two such women. Unlike the Ramadhaan hilaal, the Shawaal hilaal will not be confirmed by the testimony of one person when the sky is overcast irrespective of the *adaalat* (piety, uprighteousness and reliability) of the reporter. The minimum requirement when the sky is overcast is two aadil men or one aadil man and two such women for confirming the sighting of the Shawaal hilaal.

THE MEANING OF AADIL

Aadil in the context of Shar'i Shahaadat (testimony) refers to a person in whom there is the quality of *adaalah*. What is the meaning of *adaalah* in the Shariah? The Books of Islam define *adaalah* as follows:

"The meaning of adaalah is the ability (or attribute) which brings about the state of permanent Taqwa and culture (in the Muslim). The minimum requirement for adaalah is abstention from major sins and (abstention) from habitual commission of minor sins as well as from such acts which are negatory of culture (murawwah

or good Islamic moral behaviour)."

(Bahrur Raaiq, Vol 2, page 266 and Shaami Vol 2 page 53)

Thus according to the Shariah an aadil person is one who abstains from major sins; does not habitually commit minor sins and does not indulge in lowly acts of disrepute--acts which are unbecoming of the dignity of a Mu'min. The following are some *khilaaful murawwah* (contrary to culture and dignity) acts:

- ★ Eating in the street.
- ★ Walking in public bare-headed.
- ★ Walking in public with elbows exposed such as those who don short-sleeved shirts and sweaters in public.
- ★ Urinating in public places such as public urinals in full view of others as is the style of the western kuffaar.
- ★ Any acts which although not sinful, nevertheless are bemeaning to the honour and dignity of a Mu'min.

The Shariah stipulates that only the testimony of aadil persons be accepted in the process of confirming the sighting of the hilaal, not only Ramadhaan and Shawaal, but for all the Islamic months. In this regard the Books of the Shariah state:

"The testimony of an aadil shall be accepted according to Abu Hanifah" (Badaaius Sanaa', Vol. 2, page 81)

". (the testimony) will be accepted if the testifier is an aadil" (Fataawa Alamghiri, Vol. 1, page 197)

"His testimony will be accepted when he is an aadil." (Mabsoot of Sarkhasi, Vol. 2, page 139)

"Adaalah is a condition (for the acceptance of testimony regarding the sighting of the hilaal.)" (Hidaayah, Vol.1)

"Adaalah is conditional (for the acceptance of testimony) in all sightings." (Bahrur Raaiq, Vol. 2, Page 266)

THE TESTIMONY OF A FAASIQ

Since *adaalah* is a condition for the acceptance of the testimony of sighters of the hilaal it should be quite apparent that the testimony of a *faasiq* (a flagrant violator of the Shariah) is not acceptable. The Shariah does not even accept the testimony of a disrespect-

ful person--an undignified person--in regard to sightings of the hilaal. To a greater degree will the testimony of a faasiq be rejected. The books of the Shariah state in this regard:

"Adaalah is stipulated as a condition (for accepting of testimony pertaining to sighting the hilaal) because the statement of a faasiq in matters of the Deen is unacceptable. . . ."

(Hidaayah, Vol. 1)

"Verily, the report of only a faasiq will not be accepted. . . ."

(Fathul Qadeer, Vol. 2, page 250)

"Adaalah is conditional (for acceptance of testimony) in all (sightings for all months) because the statement of a faasiq in Deeni matters is unacceptable even if a number of faasiqs make the report. . . . So it is stated in Al-Wulwul-jiyah."

(Bahrur Raa-iq, Vol. 2 page 266)

"The statement of a faasiq is unanimously unacceptable in Deeni matters. (Shaami, Vol. 2, Page 90)

"When the fisq (sin and immorality) of a person is obvious, then there is no one among our authorities who assert this (i.e. acceptance of testimony)."

(Bahrur Raa-iq, Vol. 2, page 266)

A faasiq is one who flagrantly transgresses the laws of Allah Ta'ala. One who neglects his Fardh Salaat; one who does not regularly perform his Salaat in jamaat; one who wears short trousers exposing his thighs in public; one who shaves or cuts his beard and one who generally indulges in sin openly is termed a faasiq.

MASTURUL HAAL

Masturul Haal or *Majhulul Haal* is a person whose moral condition is not known. According to some authorities of the Shariah the testimony of a *Masturul Haal* regarding the sighting of the hilaal will be acceptable. Another authoritative view is that the testimony of such a person will not be acceptable in the matter of hilaal sightings. The books of Islam state in this regard as follows:

"Majhulul Haal, i.e. Masturul Haal--according to Imaam Abu Hanifah his testimony will be accepted. However, according to the prominent view (Zahirur Riwaayat) of the Fuqaha his testimony will not be accepted. . . ."

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(Fataawa Alamghiri, Vol. 2, Page 198)

In view of the authoritative rulings regarding the *Masturul Haal*, the Imaam or Ulama hearing testimony on the sighting of the hilaal may use their discretion and if they feel convinced of the truth of the *Masturul Haal*, his testimony may be accepted.

JAMM-E-GHAFEER

Earlier it was explained that when the skies are clear the sighting of the hilaal whether for Ramadhaan or Eid will be confirmed only by the reports of a large group (Jamm-e-Ghafeer). There is no one specific definition for *Jamm-e-Ghafeer*. It is not restricted to a specific number of persons, The determination of the number of persons to comprise the *Jamm-e-Ghafeer* of a particular place or locality is left to the discretion of the Qaadhi, Imaam or Ulama who handle the affairs of the Deen. Regarding the explanation of *Jamm-e-Ghafeer*, the Books of the Shariah state the guiding principle as follows:

"Jam'un Azeemun (a large group) by means of which certitude is acquired. . . . It (Jamm-e-Ghafeer) is left to the discretion of the Imaam; according to the (accepted view of) the Math-hab it is not restricted with a specific number." (Durrul Mukhtaar, page 92, Vol. 2)

"It (Jam'un Azeem--large group) is left to the discretion of the Imaam. . . . In As-Siraaj it is said: In Zahirur Riwaayat no specific number has been fixed for this group. According to Abu Yusuf it is fifty men. It has also been said that it means the majority in a neighbourhood. Again it has been said, from every Musjid (in a locality) one or two. . . . Of all these versions the correct one is that it is left to the discretion of the Imaam. . . ."

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"Rectitude is that which has been narrated from Imaam Muhammad as well as Imaam Abu Yusuf: That the reports should pour in abundance from every side."

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"The most authoritative view is to leave it to the discretion of the Imaam because of the variance of truthfulness in people."

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There is no conflict in the various views cited here regarding the meaning of *Jamm-e-Ghafeer*. The principle here, as mentioned earlier, is 'the discretion of the Imaam, the Qaadhi, the Mufti or the Ulama dealing with the matter.' Thus, in Imaam Abu Yusuf's time, the number 50 was considered an adequate definition for *Jamm-e-Ghafeer*. According to Khalf Bin Ayyub the number 500 was small during that time. In other words, 500 persons in a city such as Balkh during that time was not regarded as a *Jamm-e-Ghafeer*. The various interpretations indicate with clarity that the differences in numbers mentioned by the various Fuqaha were not to restrict the definition of *Jamm-e-Ghafeer* to a fixed number of persons for all time. Hence, it is said in Bahrur Raaiq:

"According to Muhammad whatever the ruling authority considers to be abundant will be so (i.e. a large group) and whatever he considers to be few will be less (i.e. will not be *Jamm-e-Ghafeer*)."

Thus, the number of persons which the Ulama in our time consider to be *Jamm-e-Ghafeer* will be regarded as such, otherwise not. It is not possible to fix any specific number for *Jamm-e-Ghafeer* for all places in view of a wide variety of circumstances prevailing at different places. Differences in the sizes of the Muslim communities in various places, preponderance of fussaaq, lack of Deeni interest, variations in the moral condition of the different Muslim communities, etc., are all factors which the Imaam/Qaadhi/Mufti or Ulama will have to take into consideration in their interpretation of *Jamm-e-Ghafeer*.

CONFUSION OF THE GRAVE-WORSHIPPERS

In addition to the confusion created by the modernist group, there is the pernicious confusion which has been initiated by the Qabar Pujaari (Grave-worshipping) group. In their pamphlets on the "moon controversy", the Qabar Pujaari leaders have made several claims in justification of their acceptance of dubious reports of sightings of the hilaal. It has become necessary to reply to the contentions of this pernicious group of fitnah-mongers.

Even according to their pamphlet on this issue, the circumstances surrounding the dubious reports on the sighting of the hilaal are indeed peculiar to say the least. It seems quite clear that schemes have been engineered by the Qabar Pujaaris to celebrate Eid on a day ahead of those whom they term Wahhaabi Kaafirs. Such schemes of evil should not really perturb anyone. In spite of the confusion and mischief spread by the grave-worshippers, our advice is that they should be ignored and be left to their own device of dhalaal (deviation). The Ulama-e-Haqq should not react to the machinations of this pernicious group. If they wish to celebrate their "eid" a day ahead or a day or two after the Shar'i Eid, let them proceed with their act. The people of Haqq should remain steadfast on the Shariah and execute their affairs strictly in conformity with Shar'i demands regardless of the consequences of such commanded steadfastness. If the people of baatil desire to celebrate eid in conflict with the Shariah or if they commence Ramadhaan without Shar'i sanction, the Ulama-e-Haqq should not seek to join them for the sake of "unity". Such flimsy and baatil "unity" is of no substance.

In their pamphlet the Ahl-e-Bid'ah cite the following statement of certain Hanafi Fuqaha:

"If the sighting of the moon has been reported from out of the city or from a high altitude, the witness of even one single women in such a case will be accepted.

(Durre-Mukhtaar, etc.)"

(The grammatical errors in the above passage have been reproduced from the original pamphlet of the Qabar Pujaaris and are not those of the authors of this book.)

The above statement has been cited by the Qabar Pujaaris to vindicate their acceptance of the 'testimony' of a single person in spite of the skies having been absolutely clear in Natal, Transvaal and Cape. While the Bid'ati pamphlet mentions the reported sightings of a

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CONFUSION OF THE GRAVE-WORSHIPPERS

In addition to the confusion created by the modernist group, there is the pernicious confusion which has been initiated by the Qabar Pujaari (Grave-worshipping) group. In their pamphlets on the "moon controversy", the Qabar Pujaari leaders have made several claims in justification of their acceptance of dubious reports of sightings of the hilaal. It has become necessary to reply to the contentions of this pernicious group of fitnah-mongers.

Even according to their pamphlet on this issue, the circumstances surrounding the dubious reports on the sighting of the hilaal are indeed peculiar to say the least. It seems quite clear that schemes have been engineered by the Qabar Pujaaris to celebrate Eid on a day ahead of those whom they term Wahhaabi Kaafirs. Such schemes of evil should not really perturb anyone. In spite of the confusion and mischief spread by the grave-worshippers, our advice is that they should be ignored and be left to their own device of dhalaal (deviation). The Ulama-e-Haqq should not react to the machinations of this pernicious group. If they wish to celebrate their "eid" a day ahead or a day or two after the Shar'i Eid, let them proceed with their act. The people of Haqq should remain steadfast on the Shariah and execute their affairs strictly in conformity with Shar'i demands regardless of the consequences of such commanded steadfastness. If the people of baatil desire to celebrate eid in conflict with the Shariah or if they commence Ramadhaan without Shar'i sanction, the Ulama-e-Haqq should not seek to join them for the sake of "unity". Such flimsy and baatil "unity" is of no substance.

In their pamphlet the Ahl-e-Bid'ah cite the following statement of certain Hanafi Fuqaha:

"If the sighting of the moon has been reported from out of the city or from a high altitude, the witness of even one single women in such a case will be accepted.

(Durre-Mukhtaar, etc.)"

(The grammatical errors in the above passage have been reproduced from the original pamphlet of the Qabar Pujaaris and are not those of the authors of this book.)

The above statement has been cited by the Qabar Pujaaris to vindicate their acceptance of the 'testimony' of a single person in spite of the skies having been absolutely clear in Natal, Transvaal and Cape. While the Bid'ati pamphlet mentions the reported sightings of a

man, his wife, daughter and two nephews, it does not state whether testimony (shahaadat) was obtained from them or not. The furthest it goes is to assert that the man in question "admitted" that he and his family sighted the hilaal of Eid. What they mean by "admitted" is, besides amusing, downright stupid. For the Eid hilaal, Shahaadat (testimony) is essential—a vital requirement for the confirmation of the sighting. Then, assuming that this man did testify, his testimony is not representative of 'shahaadat' which the other sighters were supposed to have given. Thus, assuming that the man did testify, his testimony will be the shahaadat of a single person. It serves absolutely no Islamic purpose to assert that "he admitted" that his wife, daughter and nephews also sighted the moon. Such 'admission' is nothing but inadmissible hearsay.

The pamphlet also claims "Various other sightings were reported from Shallcross, Laudium, etc. . . . But, what is the proof for these sightings? The dubiousity of these reported sightings accepted on the basis of personal desire—without Shar'i Shahaadat—is just as dubious and peculiar as the Hazelmere sighting.

Now since the Qabar Pujaari group managed to have the 'admission' (which is not shahaadat) of a single person when the skies throughout the country were clear, they had to dig out the narration of the acceptability of a single sighting of a person outside the city or on a high place. It is, therefore, necessary to explain this version of certain Fuqaha. Regarding this particular narration, the following facts should be noted:

★ The view of the validity of the sighting of one man is the opinion of Imaam Tahaawi who is also among the Hanafi Fuqaha.

★ This view of Imaam Tahaawi applies to only the Ramadhan hilaal. It does not concern the Eid hilaal while the pamphlet of the Bid'ati group pertains to "THE EID MOON CONTROVERSY". Imaam Tahaawi presented his view in regard to the Ramadhan hilaal, not the Eid hilaal.

★ The view of Imaam Tahaawi conflicts with the ruling of the Jamhoor Fuqahaa and with Zaahirur Riwaayat. This view has not been acted on by the overwhelming majority of the Ummah since the earliest time. The rule always was Jamm-e-Ghafeer if the skies were clear.

Since the view of Imaam Tahaawi represents a minority opinion which conflicts with the authoritative rulings of the Jamhoor Fuqaha of the Ummah, it is not permissible for us in this day and under present circumstances to discard the centuries-old Fatwa of the Shariah and opt for Imaam Tahaawi's view. There is absolutely no pressing need for its adoption. Once again we remind readers that this minority view applies to only the Ramadhan hilaal, Imaam

Tahaawi, the author of this view did not extend his ruling to the Eid hilaal as the pamphlet of the Qabar Pujaaris seek to convey.

Regarding this minority view, the authorities of the Shariah state

"If one person testifies to the Sighting of the hilaal (when the sky is clear) his testimony will not be accepted And, it does not matter if this man is from the city or from outside the city and he testifies regarding the sighting of the hilaal, verily, his shahaadat will not be accepted in Zaahirur Riwaayat."

(Badaaius Sanaa', Vol. 2, page 80)

"But in Al-khulaasah the Zaahirur Riwaayat is that there is no difference between the city and its outskirts—Mi'raaj, etc."

(Shaami, Vol. 2, page 93)

"There is no difference between the city-dwellers and the person who comes from outside the city."

(Hidaayah, Vol. 1, page 196)

"There is no difference between the people of the city and the one who comes from outside the city. This is according to Zaahirur Riwaayat. The view narrated from Tahaawi is in conflict with Zaahirur Riwaayat."

"There is no difference in the non-acceptability (of testimony) between city-dwellers and the one who approaches from outside the city when the sky is not overcast."

(Fathul Qadeer, Vol. 2, page 252)

"But, according to Zaahirur Riwaayat there is no difference between the city and the outside of the city."

While the view of Imaam Tahaawi is adopted also by Karkhi, Murghani, and some other Fuqaha, it is decidedly a minority view in conflict with the accepted practice of the Ummah. Furthermore, it applies to only the Ramadhan hilaal.

In its pamphlet the Qabar Pujaari jamaat cite the following narration:

"If in a village two pious people saw the moon on a clear horizon and if there is no Qadi/Alim to testify before, the people should accept their word and celebrate Eid. (Aalamgiri)"

There is no support in this narration for the farcical process adopted by the Qabar Pujaaris in their acceptance of a report made by one man in dubious circumstances. Furthermore, the abovementioned translation is incorrect. The correct translation of the statement appearing in Alamghiri is as follows:

man, his wife, daughter and two nephews, it does not state whether testimony (shahaadat) was obtained from them or not. The furthest it goes is to assert that the man in question "admitted" that he and his family sighted the hilaal of Eid. What they mean by 'admitted' is, besides amusing, downright stupid. For the Eid hilaal, Shahaadat (testimony) is essential--a vital requirement for the confirmation of the sighting. Then, assuming that this man did testify, his testimony is not representative of 'shahaadat' which the other sighters were supposed to have given. Thus, assuming that the man did testify, his testimony will be the shahaadat of a single person. It serves absolutely no Islamic purpose to assert that "he admitted" that his wife, daughter and nephews also sighted the moon. Such 'admission' is nothing but inadmissible hearsay.

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"When two men report in the matter of the Shawaal hilaal in a village and the sky is overcast, and there is neither appointed ruler nor qaadhi in the village, then there is nothing wrong for the people (of the village) to make fitr (i.e. cease fasting and celebrate Eid). So is it (said) in Zaahidi. And, adaalat is a condition (for accepting the report of the two men). So does it appear in Sharhun Niqaayah."

(Alamghiri, Vol. 1, page 198)

In regard to sighting the hilaal of Ramadhaan in a village, the following appears in Alamghiri:

"Regarding the village, when one of them (i.e. of the village-folk) sees the Ramadhaan hilaal, he should testify in the village-Musjid. It then becomes incumbent on the people to fast on the strength of his word after it has been established that the man is an aadil and when there is no ruler (or Qaadhi/Mufti) in whose presence he can testify. So is it said in Al-Muheet."

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A grave error which has been committed by the Qabar Pujaaris in presenting the ruling which pertains to a village where there is no Mufti/Qaadhi to hear testimony is their statement, "on clear horizon". Fatawa Alamghiri does not say "on a clear horizon". The particular case referred to by the Qabar Pujaari pertains to the occasion of overcast skies when visibility is poor and difficult. From the correct translation given by us above, it will be seen that the narration in Alamghiri states that the report of two aadil men in a village will be acceptable when the sky is overcast. The statement, "on a clear horizon" is an interpolation of the Qabar Pujaaris to present some substantiation for their acceptance of the single report of the sighting of Hazelmores reported in extremely dubious circumstances.

The Qabar Pujaari group added the following rejoinder to their incorrect citation of Alamghiri:

"It is not necessary for them to go out in search of a Qadi/Imaam or Moulvi."

This comment is not a statement from Alamghiri. It is the comment made by the Qabar Pujaari authors of the pamphlet. By this comment they have sought to justify their acceptance of the single report which they claim emanated from Hazelmores. If there was no need for a Qadi/Imaam or Moulvi then what was the purpose of summoning the galaxy of 20 Bid'ati molvies and deliberating the matter until midnight? When there was no need for a 'moulvi' in the case of the single sighting in the 'village' of Verulam then why was the Imaam of the Verulam Mosque so hesitant and scared to make his proclamation of

Eid forthwith? If the single report had any Shar'i value then why all the desperate activity to get the report accepted by a galaxy of 20 grave-worshipping moulvis? If the Alamghiri ruling (which we and all Ulama-e-Haqq accept) was indeed applicable to the sighting reported by only the Hazelmores man, then why did the Imaam of the Mosque not make his announcement, especially when he was not even required since according to the Bid'ati comment there is no need for the reporter to go out in search of a 'moulvi' or 'imaam'? Indeed, the manner of the proceedings initiated by these people indicates a conspiracy to force the celebration of a farcical eid solely to create mischief and exhibit their aversion and malice for those Ulama who they term Wahhaabi. Now to justify their indefensible acceptance of the single report which emanated from Hazelmores and manifested itself in dubious circumstances in the Verulam Mosque, the Qabar Pujaaris tender the narration of Alamghiri and that too, incorrectly as explained above.

The ruling pertaining to the acceptance of the report made by two pious (aadil) persons in a village where there is no Mufti, etc., does not operate in the type of situation which we have here in South Africa. In their hearts the Qabar Pujaari moulvis are fully aware of this fact hence they considered it necessary and expedient to organize the elaborate show which they did when the man from Hazelmores reported his sighting in the dubious circumstances and in the peculiar manner stated in their pamphlet. The ruling stated in Alamghiri and in other Books of the Shariah concern such villages which are isolated, having no ties with any Shar'i judicial or Ulama body. Such an isolated village which does not fall under the jurisdiction of any particular mufti or Ulama grouping nor is there a Qaadhi there, has no alternative other than commencing Ramadhaan on the report of a single aadil person and on the report of TWO aadil males when the sky is overcast, the village shall celebrate Eid. A village in such isolation cannot be cited as an example to be followed by large cities where the Deeni affairs are organized through the agency of a Mufti or some Ulama organization as is the situation in South Africa.

In its stupid rejection of the Jamiatul Ulama's (i.e. the Jamiatul Ulama of Natal) explanation of the meaning of Jamm-e-Ghafaer, the Qabar Pujaari group says in its pamphlet:

"The verdict of 50 witnesses according to Imaam Abu Yusuf has never been the criterion to determine the validity of the sighting of the moon by the Great Imaams. This view of Imaam Abu Yusuf has been rejected."

Rejected by who? By the Qabar Pujaaris? Let the Grave-Worshippers substantiate their contention. Furthermore, it was never claimed by the Jamiatul Ulama of Natal that the view of Imaam Abu Yusuf is "the

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Rejected by who? By the Qabar Pujaaris? Let the Grave-Worshippers substantiate their contention. Furthermore, it was never claimed by the Jamiatul Ulama of Natal that the view of Imaam Abu Yusuf is "the

criterion". The view of Imaam Abu Yusuf represents one of the number of authoritative meanings of Jamm-e-Ghafeer (Large Group). It was not contended by the Jamiatul Ulama of Natal that fifty sighters is an imperative necessity for the confirmation of the sighting. The view of Imaam Abu Yusuf merely serves to indicate that one or two persons do not constitute Jamm-e-Ghafeer which is a necessary condition when the skies are clear. Imaam Abu Yusuf's view in fact seems more appropriate in this time in a region such as Natal where there is a large concentration of Muslims. Numerous Muslims made it a point of sighting the Eid moon and this is the general practice. But, in spite of clear skies throughout the country and in spite of thousands of Muslims searching for the hilaal throughout the country, dubious reports are received in peculiar circumstances from members of the grave-worshipping sect. The Qabar Pujaaris cannot expect the Jamiatul Ulama to adopt their view of one or two reports and reject the view of Imaam Abu Yusuf--a view which suits the conditions and circumstances in the Natal area.

It is grossly erroneous to claim that the view of Imaam Abu Yusuf has been rejected. The Fuqaha have not rejected his view. His view is enumerated among the various other authoritative views. Although there is no Shar'i incumbency in decreeing the view of Imaam Abu Yusuf as the criterion and final interpretation of Jamm-e-Ghafeer, no one has the right to denigrate a group of Ulama or a Mufti who adopts this official view in the light of the circumstances prevailing in their locality.

While it is entirely correct to say that the number which constitutes Jamm-e-Ghafeer is left to the discretion of the Mufti/Qaadhi, the Jamm-e-Ghafeer principle cannot be ignored on occasions of clear skies. The Hazelmere sightings were far too suspicious for the truth and the Shariah just did not permit the acceptance of the one or two reports under the circumstance of clear skies which prevailed throughout the country at the time.

In their explanation of an *aadil* person--a pious person--the Qabar Pujaaris state in their pamphlet:

"Piety in this case includes, the person or persons referred to must not have been convicted of adultery or if convicted, must have repented. . . ."

As has been explained earlier, the attribute of *adaalat* is essential for the acceptance of the testimony of a person reporting his sighting of the hilaal. The Books of the Shariah explain in detail the meaning of *adaalat* (piety) in this context. The Shar'i meaning of *adaalat* and an *aadil* has already been explained elsewhere in this booklet. However, the Bid'atis have given *adaalat* an entirely different meaning. In terms

of the abovementioned statement cited from their pamphlet, an *aadil* is one who has not been convicted of adultery or who has been convicted but has repented. They did not state the source from whence they obtained this definition although they have inserted the statement in inverted commas conveying the idea that this is the view of the Shariah. But, the Books of the Shariah do not describe an *aadil* as the Qabar Pujaaris have.

The Books of the Shariah do not state "must not have been convicted of adultery or if convicted, must have repented." On the contrary, the authoritative Books of the Shariah state as follows:

"*Adaalat* is conditional. . . . The testimony of the *Mahdood fil qazf* is not acceptable even if he has repented."

(Fataawa Alamghiri, Vol. 1, page 198)

"(those who testify as to their sighting of the hilaal) should be Muslims, free, sane, adult and should not be *Mahdood fi qazf*."

(Badaaius Sanaa', Vol. 2, page 81)

Mahdood fil Qazf refers to a person who was flogged 80 lashes on account of having accused a woman of adultery while he was unable to substantiate his accusation with four *aadil* male witnesses. Such a person's testimony is not acceptable according to the Jamhoor Fuqaha even if he has repented. But, the Qabar Pujaaris have construed the *Mahdood fil Qazf* to mean a person who has 'not been convicted of adultery or if convicted, must have repented'. This is incorrect in entirety.

ANOTHER DEVIATED GROUP

On the one extreme we have the Qabar Pujaaris embroiled in their pernicious trade of fitnah and fasaad. On the other extreme we have the modernist and semi-modernist groups playing their own brand of fitnah and dhalaal. Among these deviated groups we have one struggling for recognition in the Muslim community. In its mad and inordinate desire for leadership and recognition in the Muslim community of South Africa, this group of modernists and semi-modernist misguided religious miscreants has come up with its idea to break ties with the local Muslim community and celebrate Eid and Ramadhaan along with announcements emanating from Saudi Arabia. Indeed this group has no other work besides the creation of mischief and splits in the community.

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Mahdood fil Qazf refers to a person who was flogged 80 lashes on account of having accused a woman of adultery while he was unable to substantiate his accusation with four *aadil* male witnesses. Such a person's testimony is not acceptable according to the Jamhoor Fuqaha even if he has repented. But, the Qabar Pujaaris have construed the *Mahdood fil Qazf* to mean a person who has 'not been convicted of adultery or if convicted, must have repented'. This is incorrect in entirety.

ANOTHER DEVIATED GROUP

On the one extreme we have the Qabar Pujaaris embroiled in their pernicious trade of fitnah and fasaad. On the other extreme we have the modernist and semi-modernist groups playing their own brand of fitnah and dhalaal. Among these deviated groups we have one struggling for recognition in the Muslim community. In its mad and inordinate desire for leadership and recognition in the Muslim community of South Africa, this group of modernists and semi-modernist misguided religious miscreants has come up with its idea to break ties with the local Muslim community and celebrate Eid and Ramadhaan along with announcements emanating from Saudi Arabia. Indeed this group has no other work besides the creation of mischief and splits in the community.

In its desire to hoist itself on the community this group has entirely deviated from the Shariah and is announcing plans to unify its Eid celebration with announcements made in Saudi Arabia. The Muslim community should beware of the path of dhalaal (deviation) which this group is plodding. It is incumbent on Muslims in this country to follow their Ulama and ignore the un-Islamic calls of those pursuing their lustful goal of self-aggrandizement at the expense of Imaan and Islam.

They seek to befog the minds of the ignorant with slogans of unity--unity of Eid celebration throughout the world. But such unity has never been propagated by Islam nor was it ever achieved and nor will it ever materialize. This group is merely augmenting the prevalent dissension and adding further fuel to the mischief which exists in regard to the hilaal-issue.

In most cases this deviate group will be celebrating Eid two days earlier than the Muslims in this country. It has been observed that in Saudi Arabia Eid and Ramadhan usually are two days before we celebrate these occasions in South Africa. Even this year 1988 while the 10th Zil Hajj will be on Monday in South Africa, it will be on Saturday in Saudi Arabia. If Saudi Arabia is following the direction of astronomers in determining the commencement of the Islamic months, then such action is haraam.

We have thus far not been apprized of the arguments of this baatil group. As soon as we have their arguments, we shall, Insha' Allah, issue a detailed statement in negation of their baatil.

SOME RULES PERTAINING TO THE HILAAL

- ★ It is incumbent on Muslims to search for the hilaal (crescent moon) of Ramadhan at the end of the 29th day of Sha'baan.
- ★ The testimony of a faasiq (flagrant transgressor) regarding the sighting of the hilaal is not acceptable.
- ★ The testimony of a mastoorul haal (one whose condition is not known) is acceptable according to Imaam Abu Hanifah (rahmatullah alayh).
- ★ If someone sees the hilaal of Ramadhan alone, but for some reason his testimony was rejected, he will have to fast on that day. If he does not, he will have to observe Qadha of the Fast. However, there is no Kaffarah on him in this case. If he completes thirty days for Ramadhan and the hilaal for Eid was not sighted, he will have to continue fasting with the people even if it means that he is fasting 31 days.

- ★ If only one person saw the hilaal for Shawaal at the end of the 29th day of Ramadhan, but for some reason his testimony was not accepted, it will not be permissible for him to abstain from fasting. It is incumbent on him to fast. Should he not fast, he will have to make Qadha.
- ★ The hilaal for Sha'baan was sighted and the month was completed with thirty days. Ramadhan thus commenced but the hilaal for Ramadhan was not sighted. At the end of the 28th day of Ramadhan the hilaal for Shawaal was sighted. In this case the people have to make Qadha of one fast.
- ★ The hilaal for Sha'baan was not sighted. However, the month was completed with thirty days and Ramadhan was commenced without the hilaal of Ramadhan being sighted. At the end of the 28th day of fasting the hilaal for Shawaal was sighted. In this case two fasts have to be made Qadha.
- ★ One should not take offence if one's report of sighting of the hilaal is not accepted by the Ulama. Non-acceptance of information regarding the sighting of the hilaal is not always because of the reporter being a faasiq or unreliable. At times the sighting of a single person or even of a few persons is not acceptable to the Shariah. Hence, rejection of information and evidence is based on Shar'i grounds.

THE FORECASTS OF THE ASTRONOMERS

The modernists usually display their preference for things which they consider to be 'scientific'. They are at pains to submit the Shariah to the theories of the scientists. Pursuing this baneful policy, they call for the adoption of astronomical calculations to determine the commencement of Ramadhan and Eid. In view of their stark ignorance of the teachings of Islam, they equate forecasts of possible sightings of the moon with actual physical sighting. They fail to discern the difference between the two. They are unable to understand that the Islamic month commences with the actual physical act of sighting the moon. The Shariah did not fix the rule of possible sighting or a forecast of a sighting.

Modernists go to the extremes to propagate the falsehood that astronomical tables accurately forecast sightings and that if a weather bureau report forecasts a sighting, then such a forecast assumes the status of the Holy Writ. The following letter received from the South African Astronomical Observatory will refute the baseless contentions of the modernists.

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South African Astronomical Observatory

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1988.05.11

The whole subject of the sighting of the new moon is an extremely complicated one, and whether it will be sighted or not depends on a number of factors. These include, for example, the latitude of the observer, the declination (position in the sky, directly comparable to latitude on Earth) of the moon and the month of the year. Visibility is assessed on the basis of the angular separation of the moon from the Sun and the relative positions of the moon and the Sun with respect to the horizon, and since these vary due to any of the factors mentioned, each new moon must be assessed separately.

The time between moonset and sunset is thus not the sole criterion for assessing visibility. However, it is extremely unlikely that the new moon will be seen if it sets within 25 minutes of sunset, but it should be seen if it sets more than 50 minutes after sunset. It is within these limits that the other conditions become important.

It is for these same reasons that the age of the moon is also not by itself a useful criterion for assessing visibility. The age does however, set a lower limit to visibility, being about 16 hours at the equator and about 18 hours at -30° (the latitude of Durban). In practice, sightings of a moon younger than 24 hours are rare and sightings of a moon under 20 hours are exceedingly rare. Most sightings of the young moon are first made with an optical aid, such as binoculars or a telescope, and it is then when one knows exactly where to look that the crescent is seen with the naked eye.

A further factor, which is unpredictable, which may affect a sighting of the new moon is the astronomical seeing, caused by turbulence in the upper atmosphere. You might have noticed that the stars appear at times to twinkle more than at other times - this is the effect of poor seeing. It is probably the effect of seeing, together with the fact that due to craters, mountains etc., the moon's surface is not perfectly spherical, that the moon's crescent shortens when near the Sun; it is impossible to see the new moon if it is within about 10° of the Sun.

Based on the criterion of visibility, the table below shows the predicted visibility of the new moon for April to July this year:

✓ = visible, x = not visible, ✕ = very unlikely

		Cape Town	Johannesburg	Durban	Pt. Elizabeth
April	16 (New at 14h00)	x	x	x	x
	17	✓	see below	✓	✓

May	16 (New at 00h11)	x	x	x	x
	17	✓	✓	✓	✓
June	14 (New at 11h14)	x	x	x	x
	15	✓	✓	✓	✓
July	14 (New at 23h53 on July 13)	x	x	x	x
	15	✓	✓	✓	✓

The visibility of the new moon at Johannesburg on April 17 is a borderline case, which means that it might have been glimpsed if the conditions were exceptionally good. I should stress that the criteria for assessing visibility are based on many previous sightings of the new moon, both positive and negative i.e. on times it has been seen as well as on times that it has been looked for and not seen; thus if a case is close to the borderline between visibility and non-visibility, it is not possible to accurately predict one way or the other. It would be of great interest to know of sightings which are borderline cases, and indeed any sightings of the new moon may be useful in strengthening the criterion for determining visibility.

I hope that this information is useful and satisfactorily answers your queries.

Yours sincerely

J. H. SPENCER JONES

The following significant facts contained in the letter should be a good lesson to the modernist juhhaal:

"I should stress that the criteria for assessing visibility are based on many previous sightings of the new moon, both positive and negative. . . ."

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Even the astronomers admit to the need for actual physical sighting. While the subject may be complicated to the astronomers, it is

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The new moon will be born on 16th May but sets at 1810 SA time. This is 56 minutes after sunset. Because of scattered light at the small part of the moons disk visible it is my opinion that the moon will not be observed by the naked eye on Monday 16th and that it will be first seen after sunset (1710 hrs) on 17th May. This does not exclude the possibility that it would not be observed by special instruments under good observing conditions.

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THE SCHEME OF "UNIFICATION" OF RAMADHAN AND EID

From certain quarters of the community, cries for the 'unification' of Eids and commencement of Ramadhan are being sent up in total disregard of the rules of the Shariah pertaining to the sighting of the hilaal, the transmission of the information, the confirmation of the news of the hilaal, etc. In the forefront of this un-Islamic and unreasonable scheme is Shaikh Najaar of Cape Town and his group known as lcsa. In this un-Islamic attempt there is no Deeni direction. In Islam there is neither origin nor sanction for this scheme which, in reality, has been spawned by political considerations emanating from

Saudi Arabia. Acting at the behest of the Raabitah, Shaikh Najaar and his lcsa group are spearheading the attempt to foist on the community the idea that it is Islamically necessary for us in South Africa to celebrate Eid on the same day as in Saudi Arabia.

This attempt is a clear deflection from the Sunnah of Rasulullah (sallallahu alayhi wasallam), his Sahaabah and the Ummah. This is indeed the first time in the history of Islam that such an attempt has been made. Never in the history of Islam, from the very inception of Islam, was there ever instituted any measures for the unification of Eid throughout the Islamic Empire. Not even at the time when the Islamic Empire was governed by a single authority--by a single Ameerul Mu'mineen--was such an attempt ever made. The Khulafa-e-Raashideen, despite their zeal for Islam and their exceptionally high degree of Taqwa and spirit of Jihaad, never ever issued orders for Eid and Ramadhan to commence on the same day throughout the Islamic Empire. If there was any merit, any virtue, any goodness in the scheme which the protagonists of misconceived unity and unification are labouring to introduce in the Muslim community, then the Khulafa-e-Raashideen would have been the very first to have ordered Eid and Ramadhan to commence on the same days all over the Islamic world. The Khulafa-e-Raashideen held both political and spiritual control over the Ummah in all the lands of Islam. But, every community was left to decide its own Eid and Ramadhan.

The Raabitah, being the front of the Saudi government, has no control over the Muslims of the different lands. The Raabitah has no standing in so far as administering orders to the Ummah is concerned. The Raabitah's influence and control are restricted to its underlings, to those on its payroll. The Muslim community is under no obligation whatever to conform to the decisions of the Raabitah and its South African rubber stamp in the form of lcsa.

The Raabitah's resolution in this regard is in conflict with the Shariah; hence, lcsa in its endeavour to introduce the orders of its master in South Africa, is trailing along in a direction in total conflict with the Sunnah. What is the Islamic proof for the desire to hoist the decision of Raabitah over the heads of Muslims in South Africa? By what Shar'i Daleel has it become incumbent on South African Muslims to compulsorily follow an announcement of Eid or Ramadhan made in Saudi Arabia? Eid and Ramadhan commence with the confirmation of the hilaal sighting or with the completion of thirty days of the Islamic month. If news of a sighting is obtained reliably in a way acceptable to the Shariah, then such news will be acceptable to the followers of the Hanafi Math-hab. However, such news, even if conveyed reliably, cannot be compelled on the followers of a Math-hab which does not permit information from far off regions, the Shaaf'i Math-hab being significant in its rejection of the sightings of far-off places.

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It is not at all surprising that a body such as ICSA is canvassing this idea since there is a great dearth of Deeni Knowledge in the ranks of that body. However, the Raabitah is an organization which supposedly consists of many learned people. But, inspite of this fact, it is abundantly clear that the Raabitah has ignored the Shariah in having adopted this resolution of the unification of Eids along the terms of the Raabitah, viz., Eid to be celebrated in all places when the announcement emanates from Saudi Arabia. What if Muslims here in South Africa sight the hilaal a day before Saudi Arabia? Will Muslims have to overlook the Shar'i reality of the commencement of the month and delay the new month by a day in anticipation of the announcement by the Raabitah? What if reliable news of a sighting reaches us from Pakistan or India or Mauritius a day before Eid in Saudi Arabia?

In a booklet on this question, Shaikh Abdullah Ibn Muhammad Ibn Hameed of Masjidul Haraam in Makkah Mukarramah, presents conclusive and detailed Islamic proofs to refute the validity and the deviation of the move to impose the sighting of Saudi Arabia or of any other single place on all the Muslims of the world. For the benefit of Shaikh Najaar, his ICSA and others, we shall cite extracts from the honourable Shaikh's booklet to indicate the Shariah's rejection of the unholy conspiracy of 'unification of Eids'.

In his treatise in refutation of the Raabitah's resolution of imposing Ramadhaan and Eid on all Muslims of the world on the basis of a sighting in a single place, the Shaikh cites the following authentic Hadith which appears in most authoritative books of the Shariah:

"Kuraib narrates that Ummul Fadhl Bintil Haarith sent him on an errand to Muaawiyah in Shaam (Damascus). He (Kuraib) said: 'I went to Shaam and fulfilled her need. The Ramadhaan hilaal dawned on me while I was in Shaam. I saw the hilaal on Friday night. I then arrived back in Madinah towards the end of the month (of Ramadhaan). Abdullah Ibn Abbaas questioned me and spoke about the hilaal, saying: 'When did you see the hilaal?' I said: 'We saw it on Friday night.' He said: 'Did you (yourself) see it?' I replied: 'Yes, and the people saw it and fasted and Muaawiyah fasted.' He said: 'But, we saw it Saturday night. Hence we shall continue fasting until we complete thirty days or we see it (after 29 days).'

I said: 'What! Is the sighting and the fasting of Muaawiyah not sufficient?' He said: 'No. This is the way Rasulullah (sallallahu alayhi wasallam) commanded us."

Commenting on the abovementioned Hadith, the Shaikh states:

"This is explicit in that for every city is its sighting. The statement of Ibn Abbaas, viz., 'So has Rasulullah (sallallahu alayhi

wasallam) commanded us.', indicates that this fact (of every place having its own sighting) is a matter which is established on the authority of Rasulullah (sallallahu alayhi wasallam). Ibn Abbaas did not reject the news of Kuraib because of it being the report of a solitary person, for if this was the case he would have written to Muaawiyah questioning him about the sighting of the hilaal at his end or Muaawiyah would have written to the people of Madinah informing of the confirmation of the sighting of the hilaal at their end on Friday night to enable them to make qadha of that day's fasting which they (the people of Madinah) did not observe (on account of them not having seen the hilaal). When nothing of this sort occurred, it is a clear indication that for every place is its own sighting as was the practice during the age of Rasulullah (sallallahu alayhi wasallam), and the age of his Khulafa because they did not write to the different regions (regarding the sighting of the hilaal) and because the people of other regions did not write to them (the Khulafa) regarding the sighting of the hilaal inspite of their zeal for the Deen and their eagerness for good."

"The statement of Ibn Abbaas (radhiallahu anhu): 'So has Rasulullah (sallallahu alayhi wasallam) commanded us.', substantiates that the people of Madinah did not terminate fasting by virtue of the sighting of the people of Shaam. The basis for this being the Hadith of Rasulullah (sallallahu alayhi wasallam): "Do not fast until you have seen the hilaal and do not end the fasting until you have seen it. . ."

The Shaikh states the Maaliki position regarding sighting of the hilaal as follows:

"... The view of the authoritative Maaliki Ulama: Ibn Abdul Barr states in Tamheed: 'There is consensus among the Ulama that sighting will not be taken into consideration in respect of far off places such as Khuraasaan and Andalus because every city has its own hukm (law) as it is mentioned in the Hadith. Sighting of the hilaal will be considered in respect of nearby places."

"In addition to the Hadith of Ibn Abbaas, which has been mentioned earlier, Ghassaani and Hareeri cite the following Hadith:

The people of Najd informed Rasulullah (sallallahu alayhi wasallam) that their sighting was a day earlier than the sighting of the people of Madinah. Rasulullah (sallallahu alayhi wasallam) said to them: "For every city is its sighting."

In refutation of the move to impose the sighting of one region on all lands, the Shaikh states:

It is not at all surprising that a body such as ICSA is canvassing this idea since there is a great dearth of Deeni Knowledge in the ranks of that body. However, the Raabitah is an organization which supposedly consists of many learned people. But, in spite of this fact, it is abundantly clear that the Raabitah has ignored the Shariah in having adopted this resolution of the unification of Eids along the terms of the Raabitah, viz., Eid to be celebrated in all places when the announcement emanates from Saudi Arabia. What if Muslims here in South Africa sight the hilaal a day before Saudi Arabia? Will Muslims have to overlook the Shar'i reality of the commencement of the month and delay the new month by a day in anticipation of the announcement by the Raabitah? What if reliable news of a sighting reaches us from Pakistan or India or Mauritius a day before Eid in Saudi Arabia?

In a booklet on this question, Shaikh Abdullah Ibn Muhammad Ibn Hameed of Musjidul Haraam in Makkah Mukarramah, presents conclusive and detailed Islamic proofs to refute the validity and the deviation of the move to impose the sighting of Saudi Arabia or of any other single place on all the Muslims of the world. For the benefit of Shaikh Najaar, his ICSA and others, we shall cite extracts from the honourable Shaikh's booklet to indicate the Shariah's rejection of the unholy conspiracy of 'unification of Eids'.

In his treatise in refutation of the Raabitah's resolution of imposing Ramadhaan and Eid on all Muslims of the world on the basis of a sighting in a single place, the Shaikh cites the following authentic Hadith which appears in most authoritative books of the Shariah:

"Kuraib narrates that Ummul Fadhl Binteel Haarith sent him on an errand to Muaawiyah in Shaam (Damascus). He (Kuraib) said: 'I went to Shaam and fulfilled her need. The Ramadhaan hilaal dawned on me while I was in Shaam. I saw the hilaal on Friday night. I then arrived back in Madinah towards the end of the month (of Ramadhaan). Abdullah Ibn Abbaas questioned me and spoke about the hilaal, saying: 'When did you see the hilaal?' I said: 'We saw it on Friday night.' He said: 'Did you (yourself) see it?' I replied: 'Yes, and the people saw it and fasted and Muaawiyah fasted.' He said: 'But, we saw it Saturday night. Hence we shall continue fasting until we complete thirty days or we see it (after 29 days).'

I said: 'What! Is the sighting and the fasting of Muaawiyah not sufficient?' He said: 'No. This is the way Rasulullah (sallallahu alayhi wasallam) commanded us."

Commenting on the abovementioned Hadith, the Shaikh states:

"This is explicit in that for every city is its sighting. The statement of Ibn Abbaas, viz., 'So has Rasulullah (sallallahu alayhi

wasallam) commanded us.', indicates that this fact (of every place having its own sighting) is a matter which is established on the authority of Rasulullah (sallallahu alayhi wasallam). Ibn Abbaas did not reject the news of Kuraib because of it being the report of a solitary person, for if this was the case he would have written to Muaawiyah questioning him about the sighting of the hilaal at his end or Muaawiyah would have written to the people of Madinah informing of the confirmation of the sighting of the hilaal at their end on Friday night to enable them to make qadha of that day's fasting which they (the people of Madinah) did not observe (on account of them not having seen the hilaal). When nothing of this sort occurred, it is a clear indication that for every place is its own sighting as was the practice during the age of Rasulullah (sallallahu alayhi wasallam), and the age of his Khulafa because they did not write to the different regions (regarding the sighting of the hilaal) and because the people of other regions did not write to them (the Khulafa) regarding the sighting of the hilaal in spite of their zeal for the Deen and their eagerness for good."

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In refutation of the move to impose the sighting of one region on all lands, the Shaikh states:

"Shaikh Ali Bin Abdul Kaafi Subki states in his Kitaab, *Al-Ilmul Manshur Fi Ithbaatish Shuhoor*:

'The view of the imposition of the sighting on all lands when the hilaal is sighted in one city is exceptionally weak because it has not been narrated that Umar Bin Khatthaab and all the other Khulafa when they saw the hilaal wrote to the various regions. If this was necessary, they would have written to the lands in view of their zealous observance of Deeni matters. . . ."

After citing several senior Shaafi' authorities in substantiation of the ruling that "a sighting in one region is not valid for far off places", the Shaikh states in his book:

"The statements of the Aimmah of the Shaafis in this regard are numerous. We shall, therefore, not lengthen (this treatise) by further mentioning (such statements). Most certainly, with the factor of *bu'd* (great distance) being present, the sighting of a region is not incumbent on the people of another city as has been earlier stated in the statements of the Aimmah of the Hanafi, Maaliki and Shaafi Math-habs. . . ."

The Shaikh then states:

"Thus, how can it be claimed that fasting and ending the fasting are incumbent on all the Muslims of the world on the basis of the sighting of the people of one city?

Verily, the explicit proofs of Rasulullah (sallallahu alayhi wasallam) which have been explained earlier, indicate that for every city is its own sighting. . . .

And, similar was the practice of the Sahaabah and the Taabi-een. For a certainty it has not been narrated from any of them that they had written in regard to sighting of the hilaal to the people of other places so that they could make qadha of the day. . . .(this was never the case)."

"These statements of the authorities of every Math-hab indicate that most certainly, the people in far off places are under no incumbency to act in accordance with the sighting of the people of another city. . . ."

"Shaikhul Islam, Ibn Taimiyah, states:

'The proof in this matter (of the sighting of one place not valid for far off places) is the fact that we know with *yaqeen* (certitude) that during the age of the Sahaabah and the Taabi-een the hilaal would be sighted in certain regions after the sighting in other regions. This is among

the natural things for which there is no change. Of a necessity the news of (such prior sighting of another place) would reach them during the course of the month. If then it was incumbent on them to make qadha of the fast (as a result of commencing a day after the region with the earlier sighting). . . . then such qadhaa would have occurred in most Ramadhaans. If there was any such act, then certainly it would have been transmitted by narration. But, the fact of there being no such narration indicates that there is no basis for it (for the imposition of a single Eid and Ramadhaan on all Muslims of the world). And, the Hadith of Ibn Abbaas indicates this fact (viz., for every place is its own sighting)."

The Shaikh continues:

"Verily, the Sahaabah (radhiallahu anhum) did not write (to the Muslims of other places) nor did they discuss the sightings of other cities (with the view to acceptance or imposition on their respective communities). . . ."

"The world of Islam in these days consists of splintered countries far from the teachings of Islam. It (the world of Islam) diverges from numerous laws of Islam, be it on a governmental or individual level. There is a dearth of Deeni rulership and a preponderance of mundane considerations and political motives in the ways of the Muslims. They woo and incline towards some powerful political bloc. Whoever ponders and studies this prevalent state of affairs will realize that even though it is assumed (for argument's sake) that the sighting of one region is valid and incumbent for all the lands of Islam, then too, it would not be possible to conform to this since we find that it is a fact in our present state of affairs that should the hilaal be sighted in one of two friendly countries then it will be

possible for the Mufti of the land where the hilaal was not sighted to decree the incumbency of acting in accord with the sighting which was confirmed in the other friendly state. This will be for the sake of political considerations. However, if the two states are not on friendly terms and the hilaal is sighted in one of them, then the Mufti (in the other country), with the greatest of ease and guided by the instructions of the political power, will decree the invalidity of the sighting of the other country for this land. This he will simply base on the fact that "for every region is its own sighting".

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they deem it expedient without care or consideration for the Haqq, without investigating the Haqq and without care for rectitude.

"I have to say that the world of Islam today comprises splintered, antagonistic and diverging states with conflicting outlooks. We thus find the one inclining to the west and acknowledging everyone inclining to the west. On the otherhand, another state will incline to the east and acknowledge everyone who inclines to the east. In fact, they do not stop at this limit, but experience proves that they submit the laws of the Shariah to conform to their political outlooks and worldly whims and motives. Hence, they will start the fast when the hilaal is sighted in a friendly country and similarly will they end the fast and vice versa. . . ."

"The truth—all praises are due to Allah—is clear and bright. Verily, for every region is its own sighting as we have explained and clarified abundantly on the basis of the Kitaab of Allahul Azeed and on the authentic guidance of the noblest Rasool (sallallahu alayhi wasallam) and on the basis of the authoritative declarations of the great Ulama of every Math-hab. And, Allah knows best."

THE STAND OF HAQQ

By the fadhil of Allah Ta'ala the hilaal issue has been discussed and explained in detail in this treatise. What has been explained herein will be adequate for the seekers of the truth.

In the light of the Shariah it must now be declared that the move to impose the will of the Raabitah on the Muslims of this country and elsewhere is unacceptable. The move to impose Ramadhan and Eid on all Muslims is manifestly a political stunt mooted by the Raabitah and pedalled by its hirelings. There is no Shar'i substance in this scheme. It is entirely devoid of Islamic backing. It is in conflict with the Sunnah of Rasulullah (sallallahu alayhi wasallam), in conflict with the Sunnah of the Khulafa-e-Raashideen, in conflict with the Sunnah of the Sahaabah, the Taabieen and the whole Ummah. It is a scheme which has no sanction in Islam. It is a plot prepared by men bereft of Deeni insight for the sake of political gain. It is being canvassed by men who have no Islamic credibility. Men and paper organizations will act as the voice of those to whom they are politically and financially indebted--to whom they owe political allegiance. Such men and shadow organizations denuded of any Islamic

consideration and uncaring of the truth of Allah's Shariah will become the channel through which the announcements for Ramadhan and Eid will be made at the behest and command of their political masters. But, the people of Haqq will not accept the dictates of these fussaag who have colluded to sell the Deen down the drain.

The people of baatil who are canvassing this un-Islamic scheme should understand that they are the cause of the impending split which will most certainly ensue in the wake of their pernicious attempt to impose the will of the political men of Saudi Arabia on the Muslims in this country. We shall not abide by their baseless, un-Islamic and false pronouncements. Those who wish to align themselves with the deviates will go along with this foul scheme and start their Ramadhan or celebrate their Eid. But, the people of haqq will remain steadfast on the timeless teachings and commands of the Shariah. We shall continue to order Ramadhan and Eid in the way in which Rasulullah (sallallahu alayhi wasallam) and his illustrious Sahaabah did. Ramadhan and Eid shall commence on the basis and on the teachings of Islam, not on the dictates and pronouncements of the Raabitah or its underlings. Any announcement or ruling which violates the Shariah is utterly baatil and will be rejected no matter from which quarter it emanates.

Henceforth, if there are to be two Eids every year and if Ramadhan has to commence on different days in the same towns and cities because of the baatil and evil which the fussaag and incompetent organizations and supposedly learned men are attempting to impose at the behest of their paymasters, then let that be so. The People of the Sunnah will continue with the way of the Sunnah while the followers of error can follow the way of the deviates.

May Allah Ta'ala guide those who have strayed from the Haqq.

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